



Election Period Policy

TABLE OF CONTENTS

1.	Purpose	3
2.	Scope	3
3.	Context	4
4.	Statement	4
4.1	Election Period	4
4.2	Decision Making during the Election Period	4
4.3	Election Period Statement	6
4.4	Council and Committee Meetings	6
4.5	Council Resources	7
4.6	Travel/Accommodation and Professional Development	7
4.7	Councillor Expenditure	7
4.8	Communications and Publications	8
4.9	Social Media and Website	9
4.10	Community Engagement	10
4.11	Functions and Events / Speeches	10
4.12	Council Spokesperson	11
4.13	Provision of Information	11
4.14	Advice to Candidates	11
4.15	Council Staff Standing as a Candidate	12
4.17	Breaches	12
4.18	Electoral Signage and Electioneering	12
4.19	Disclaimer	13
5.	Roles and Responsibilities	13
6.	Definitions	14
7.	Human Rights	15
8.	Gender Equality	15
9.	Risk Reference	15
10.	References and Supporting Documents	16
11.	Review and Revision History	16

1. Purpose

The purpose of this Policy is to provide guidance to Councillors, Council staff and candidates in the lead up to a Local Government General Election (General Election), known as the Election Period.

The Election Period Policy provides a framework for decisions prohibited by the Council during the Election Period in accordance with the *Local Government Act 2020* (the Act), and the procedures to be applied by Council during the Election Period. These provisions are intended to assist Councillors and officers to continue to conduct ordinary matters of administration that need to be addressed in the lead up to an election, while maintaining public confidence in an unbiased election process.

2. Scope

This Policy applies to all current Councillors, all candidates to the General Election, the Chief Executive Officer, Delegated Committee Members and all Council staff, who must comply with this Policy during an Election Period, regardless of whether they intend to nominate, or have already nominated as a candidate for election.

This Policy applies during the Election Period and covers:

- decisions made by Council, delegated committees, community asset committees, or Council staff as delegates;
- requirements for a Councillor or member of Council staff who nominate as a candidate;
- any material that is published by Council;
- attendance and participation at functions and events;
- use of Council resources;
- access to Council information; and
- media services.

This Policy will affect individuals during the Election Period if they are:

- involved in making a Prohibited Decision as defined by the *Local Government Act 2020* (the Act) (refer section 4.2.1);
- involved in making a Major Decision (refer section 4.2.2);
- intending to publish any written or electronic material that refers to a candidate (including any current Councillor or member of Council staff); or the Council election; or an issue before the voters in connection with the election; or could be seen to advantage or disadvantage any candidate for election;
- involved in the creation of any Council publication;
- involved in the planning and/or organisation of any community engagement process;
- involved in the planning and/or organisation of any public Council functions or events;
- asked to supply resources, support or information to Councillors;
- a Councillor who is standing for re-election; or
- a member of Council staff nominating as a candidate.

3. Context

Section 69(1) of the Act requires Council to include an Election Period Policy in the Governance Rules.

4. Statement

Council is committed to the principle of fair and democratic elections and has adopted the practices detailed within this Policy to guide the conduct of Councillors and Council staff during the Election Period.

4.1 Election Period

Prior to a General Election, Council enters the 'Election Period' (also commonly known as 'caretaker mode'). The purpose of the Election Period is to avoid actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.

The Act defines the Election Period as the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.

For the 2024 General Election, the Election Period commences at **12pm Tuesday 17 September 2024** and concludes at **6pm Saturday 26 October 2024**.

4.2 Decision Making during the Election Period

During the Election Period, Council will not make any Prohibited Decisions, or decisions that significantly affect the municipality and will unreasonably bind the incoming Council. This includes decisions at Council meetings, decisions of delegated committees or decisions by Council staff as delegates.

All decisions to be presented to Council during the Election Period must be assessed and approved by the Chief Executive Officer as being necessary for operational purposes or pursuant to a statutory requirement.

4.2.1 Prohibited Decisions

In accordance with section 69(2) of the Act, and for the purpose of this Policy, a Prohibited Decision is defined as decisions:

- a) relating 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) that commit Council to expenditure exceeding one (1) per cent of 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 (refer section 4.2.2); or
- e) 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.

For the purpose of the 2024 General Election, one (1) per cent of Council's income from general rates, municipal charges, and service rates and charges for the 2023/24 financial year was **\$693,590**.

Any decision made in contravention of 4.2.1(a) and (b) is invalid in accordance with section 69(4) of the Act, and a person who suffers a loss or damage as a result of acting in good faith on a Council decision that is invalid is entitled to compensation from the Council for the loss of damage (section 69(5)).

4.2.2 Major Decisions

In addition to Prohibited Decisions, Council will not make Major Decisions during the Election Period. For the purpose of this Policy, a Major Decision is defined as:

- a) decisions that would affect voting in an election; or
- b) irrevocable decisions that commit the Council to substantial expenditure or major actions; or
- c) decisions that will have a major impact on the municipality or the community and will unreasonably bind the incoming Council.

Examples include, but are not limited to, the following:

- entering into a beneficial enterprise as defined in section 110 of the Act;
- acquisition or disposal of land or assets;
- adoption or amendment of policies, strategies or plans;
- adoption of a revised budget;
- adoption or amendment of a Local Law;
- appointment of representatives to Committees;
- endorsing submissions to government or public bodies;
- employment matters relating to the Chief Executive Officer;
- allocation of community grants or other direct funding to community organisations;
- Planning Scheme amendments;
- changes to strategic objectives and strategies in the Council Plan;
- committing Council to significant actions;
- decisions that will have a significant impact on the municipality or the community.

Where a Major Decision during the Election Period is deemed necessary for operational purposes or pursuant to a statutory requirement, the relevant General Manager will seek approval from the Chief Executive Officer for an exception to be made. An appropriate rationale substantiating the reason/s why an exception should be made must be included in the applicable Election Period Statement (refer 4.3).

4.2.3 Considerations for Council Staff as Delegates

Before making any decisions as a delegate of Council during the Election Period, Council staff should consider the following:

- a) whether the decision is a Prohibited Decision as detailed in section 4.2.1;
- b) whether the decision is a Major Decision as detailed in section 4.2.2;
- c) the urgency of the issue or matter, or if it can be deferred until after the election;
- d) the possibility of financial repercussions if the decision is deferred;
- e) whether the decision is likely to influence voters or be controversial; and
- f) if the decision is in the best interests of Council.

Council staff who require assistance in determining whether a decision is likely to be a Prohibited or Major Decision should seek advice from their General Manager, the Manager Governance or the Governance and Compliance Coordinator.

4.3 Election Period Statement

During the Election Period the Chief Executive Officer will ensure that an Election Period Statement is included in every report submitted to a Council meeting for a decision.

Council will not decide on any matter or report that does not include a statement. This will ensure that no agenda item is included that could potentially influence voters' intentions or encourage Councillor candidates to use the item as part of their electioneering campaign.

The Election Period Statement will be in the form of:

- 1) *The recommended decision is not a Prohibited Decision as defined in section 69(2) of the Local Government Act 2020, or a Major Decision as defined by Council's Election Period Policy.*

or

- 2) *The recommended decision is a Major Decision within the meaning of Council's Election Period Policy, but an exception should be made for the following reasons:*
[insert reasons].

4.4 Council and Committee Meetings

The agenda for any Council meeting held during the Election Period will be modified and the following items will not be considered:

- Open Forum (including Petitions, Questions of Council and Public Submissions);
- Councillor or Delegate Reports; and
- Notices of Motion.

No Council advisory or committee meetings will be held during the Election Period unless exceptional circumstances apply, and the Chief Executive Officer has approved the meeting.

In accordance with section 100(2) of the Act, a Council meeting that is open to the public may be conducted during the Election Period (on a day not later than the day before election day) to report on the implementation of the Council Plan by presenting the Annual Report.

4.5 Council Resources

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections.

It is also an offence under section 123 of the Act for a Councillor to misuse their position to gain or attempt to gain an advantage for themselves or others, or to cause or attempt to cause detriment to the Council to another person. The statutory penalty for misuse of position by a Councillor is 600 penalty units, or imprisonment for five years.

While Council is committed to this principle, it is also important that Councillors continue to have access to the resources they need to fulfil their elected roles until the end of their term of office.

Council resources must not be used by an individual in connection with election campaigning. This includes but is not limited to Council:

- a) vehicles and equipment; or
- b) property, offices, hospitality and stationery; or
- c) computers, mobile phones or email accounts; or
- d) logos, letterhead or other Council branding; or
- e) owned photographs/images; or
- f) staff.

4.6 Travel/Accommodation and Professional Development

Councillors will not participate in any interstate or overseas travel during the Election Period in their capacity as a Councillor.

In circumstances where it is imperative that the Mayor or a Councillor represent the Council as a delegate or in a Forum, the Chief Executive Officer will determine the representative arrangements.

No new professional development opportunities will be undertaken or commenced during the Election Period by:

- a) Councillors; or
- b) members of Council staff who nominate as a candidate.

4.7 Councillor Expenditure

Claims for reimbursement of expenses may continue to be lodged by Councillors, provided it conforms to the requirements set out in the Councillors Support and Expenses Policy and this Policy.

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 any candidate's election campaign.

4.8 Communications and Publications

The Chief Executive Officer will review all publications produced and distributed by the Council during the Election Period to confirm it does not contain electoral matter (refer 4.8.1).

Without limiting the generality of the definition, 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 the election, a candidate in the election, or an issue submitted to, or otherwise before, the voters in connection with the election.

This is to be broadly interpreted to refer to documents that are produced for communicating with the community and will include, amongst other things:

- Council newsletters and other circulars (hardcopy and/or electronic);
- advertisements and notices;
- media releases and responses to media enquiries;
- leaflets, brochures, pamphlets, handbills, flyers, magazines, books and stickers;
- mail outs to multiple addresses;
- new website material and social media content (refer section 4.9);
- material to publicise a function or event; and
- notices or posters placed on Council controlled property, including walls, noticeboards, and electronic noticeboards and screens.

The following outlines the approaches that will be taken for specific communication and publications:

- Council communications and publications will be restricted to promoting normal Council activities and services, and for informing residents about the conduct of the General Election.
- General correspondence addressed to Councillors will be managed in accordance with normal protocols. However, Councillors will sign only the necessary minimum of correspondence during the Election Period, and correspondence regarding significant, sensitive or controversial matters should be signed by the Chief Executive Officer. Responses will be prepared without political bias.
- Media releases will not mention or quote any Councillor(s) during the Election Period.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 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 any candidate's election campaign.
- Council is required by the Act to produce an Annual Report, which may be published during the Election Period. However, it will not contain any information that could be regarded as electoral material or promotion of individual Councillors. Councillor images will be kept to a minimum, and achievements of individual Councillors will not be included.

4.8.1 Electoral Offences

Printing and Publication of Electoral Material (section 287)

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, electoral material unless the name and address of the person who authorised the electoral material is clearly displayed on its face.

Penalty:

In the case of a natural person, 10 penalty units;

In the case of a body corporate, 50 penalty units.

Misleading or Deceptive Matter (section 288)

A person must not print, publish or distribute; or cause, permit or authorise to be printed, published or distributed any matter or thing that the person knows, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter.

Penalty:

In the case of a natural person, 60 penalty units or imprisonment for 6 months;

In the case of a body corporate, 300 penalty units.

Author to be Identified (section 290)

A person must not during the election period print, publish or distribute; or cause, permit or authorise to be printed, published or distributed a newspaper, circular or pamphlet containing an article, report, letter or other matter containing electoral matter unless the author's name and address are set out at the end of the article, report, letter or other matter, or if only part of the article, report, letter or other matter appears in any issue of a newspaper, circular or pamphlet at the end of that part.

Penalty:

In the case of a natural person, 10 penalty units;

In the case of a body corporate, 50 penalty units

4.9 Social Media and Website

Council's website and social media platforms may continue to be a corporate voice for Council, and will not be used for any electioneering purposes by Councillors or Council staff.

A statement will be posted on Council's website and in social media channels informing the community that comments will be disabled during the Election Period.

No new pages, documents or posts will be uploaded to Council's website or social media platforms during the Election Period without prior written approval by the Chief Executive Officer.

Current Councillor profiles on the Council website will be limited to a name and contact details. Photographs and profiles will be removed. The electronic Honour Rolls for former Councillors, Mayors and Deputy Mayors, will be disabled during the Election Period.

Individual Councillors and/or achievements, or any material considered campaign material, will not be published on Council's website or social media platforms.

4.10 Community Engagement

For the purposes of this Policy, community engagement is any process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action. It includes discussion of those matters with members of the public.

Community engagement processes will only be permitted during the Election Period where it is essential to maintain the normal day-to-day business of Council and with prior written approval of the Chief Executive Officer.

Facilitators of any consultation held during the Election Period must be able to justify to the community the special circumstances making the session necessary and how the risks of influencing the election will be mitigated or prevented to avoid potential electioneering.

YourSay

The community engagement website [YourSay](#) will be restricted for the duration of the Election Period. Existing content will remain available for viewing, however no community engagement processes will be permitted to occur on the YourSay site during the Election Period.

4.11 Functions and Events / Speeches

Wherever practicable, civic events and functions will not be conducted during the Election Period.

Where this is not possible, during the Election Period these will relate only to legitimate Council business and will not be used, or be capable of being seen as being used, to promote the campaign of any candidate.

Prior to being approved by the Chief Executive Officer, all speeches prepared for use at events or functions will be reviewed by the Manager Customer Experience and Communications (or another officer nominated by the Chief Executive Officer), to ensure the content does not breach this Policy.

Where required and consistent with normal practice, a Councillor may make a speech during an event or function. However, the speech must be approved by the Chief Executive Officer in advance and delivered as written. Speeches will not have any political reference that may be construed as providing any candidate with an advantage.

4.12 Council Spokesperson

In the event that a spokesperson is required in relation to any publication or communication, the Chief Executive Officer will fulfil that role or nominate an appropriate officer to act as spokesperson.

Council staff must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be approved by the Chief Executive Officer.

4.13 Provision of Information

Council recognises that all election candidates have certain rights to information from the Council administration subject to the *Privacy and Data Protection Act 2014 (Vic)* which restricts disclosure of certain information.

It is important that current Councillors continue to receive information that is necessary to fulfil their roles. However, Councillors must not request or receive information from Council staff to support election campaigns, and there shall be complete transparency in the provision of all information during the Election Period.

Information Requests

Council may receive requests for information from candidates during the Election Period. All candidates must have access to the same level of information wherever possible.

To enable this to occur, an Information Request Register will be maintained during the Election Period. This register will be a publicly available document and will record all requests relating to electoral matters, and non-routine requests for information by Councillors and election candidates, as well as the responses provided.

Any candidate may, upon request, obtain a copy of the Information Request Register by contacting the Manager Governance.

The Chief Executive Officer, or delegate, may at their discretion automatically circulate to all candidates a response to any request recorded in the Information Request Register.

4.14 Advice to Candidates

Any advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

All election related enquiries from candidates, whether current Councillors or not, will be directed to the Victorian Electoral Commission Election Managers, or where the matter is outside the responsibilities of the Election Managers, to the Chief Executive Officer or General Manager Business Excellence (or delegate).

4.15 Council Staff Standing as a Candidate

Council staff who are standing as a candidate must:

- a) notify the Chief Executive Officer; and
- b) 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 must be taken); and
- c) return any Council equipment (including, but not limited to, motor vehicles, mobile phones and computers), documents or information which is not available to the public for the duration of the Election Period; and
- d) if elected, immediately resign from their employed position at Council.

4.16 Suspension of Matters during Election Period

In accordance with section 173 of the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the serious or gross misconduct of a person who is a Councillor, must be suspended during the Election Period for a general election.

4.17 Breaches

Any alleged breach of this Policy is to be referred to the Chief Executive Officer.

Alleged breaches relating to all other matters are to be referred to the [Local Government Inspectorate](#).

4.18 Electoral Signage and Electioneering

Councillors, like other candidates, must comply with the East Gippsland Planning Scheme and General Local Law requirements regarding electoral signage and electioneering in public places.

General Local Law Requirements

Part 6, Division 1, Section 43 – Advertising Signs

A person must not, without a Permit, erect or place an Advertising Sign on any part of a Road, Road Reserve or Council Land or cause or another person to do so.

Penalty: 10 Penalty Units

East Gippsland Planning Scheme Requirements

Clause 52.05-10 of the East Gippsland Planning Scheme – Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

4.19 Disclaimer

This Policy is not intended as a substitute for legal advice and individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Acts 1989 and 2020*, associated regulations, Governance Rules and this Policy in relation to the Election Period.

5. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Party / Parties	Role and Responsibilities
Chief Executive Officer	Ensure that scheduling of Prohibited or Major Decisions is made well in advance of the Election Period or deferred for consideration by the incoming Council. Approve all publications, communications, social media post, website content, speeches and community engagement. Ensure the Election Period Statement is included on Council Reports where applicable.
General Manager Business Excellence	Ensure all Councillors and staff are informed of the requirements of this policy. Provide advice and guidance on the implementation of the Policy. Ensure that a copy of this Policy is given to each Councillor as soon as practicable after it is adopted and is published on Council's website.
General Managers	Review all publications for their Directorates before they are recommended to be approved by the Chief Executive Officer as suitable for printing, publishing or distributing during the Election Period.

Party / Parties	Role and Responsibilities
Manager Customer Experience and Communications	Review all speeches to be delivered by Councillors at Council approved events during the Election Period. Implement an appropriate process to ensure that no material is published without Chief Executive Officer approval. Suspend YourSay page and disable comments and posts to all Social Media channels for the duration of the Election Period.
Executive Leadership Team	Provide support and guidance to staff with implementing this Policy.
Manager Governance	Maintain the Information Request Register and ensure it is available for public inspection on request.
Governance and Compliance Coordinator	Assist with any day-to-day queries with respect to the implementation of this Policy.
All Councillors and staff	Adhere to the guiding principles as outlined in this Policy.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Chief Executive Officer.

Where non-compliance has been identified the matter will be investigated by internal review and where applicable further action taken in accordance with Council's Disciplinary Procedure.

6. Definitions

Term	Meaning / Responsibility
Council Officers	East Gippsland Shire Council staff.
Election Period / Caretaker Mode	As defined in the Act, commences at the time nominations close on nomination day and ends at 6pm on election day.
Election Period Statement	Statement by the Chief Executive Officer published on all reports submitted to a Council meeting for decision during an Election Period.
Electoral material	As defined in the Act, 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. It includes any matter that is intended or likely to affect voting in the election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Term	Meaning / Responsibility
Publication	A broad interpretation should be used to include all documents that are produced for the purpose of communicating with people in the community, including 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 and social media pages.
Publish	Means publish by any means including by publication on the internet.

7. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

8. Gender Equality

The Election Period Policy has considered the Gender Equality Act 2020 in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

9. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Environmental		Technology and Information Management	
Health and Safety		Assets, Facilities and Security	
Project, Product and Service Delivery		Human Resources	
Financial and Economic	✓	Procurement	
Leadership and Political Awareness	✓	Corporate Governance and Compliance	✓
Reputation and Corporate Image	✓	Legal	✓

10. References and Supporting Documents

10.1 Applicable Legislation:

Local Government Act 2020

Local Government Act 1989

10.2 Applicable Policy and Procedure:

Councillor Code of Conduct

Councillors Support and Expenses Policy

Staff Code of Conduct

10.3 Supporting Documents:

Information Request Register

11. Review and Revision History

Version Number	Date Approved	Approved By	Summary of Changes
1	07/08/2012	Council	
2	09/04/2013	Council	Redraft into new template format
3	01/03/2016	Council	Merge Policy and Procedure into one Policy document
4	21/11/2017	Council	Amended to make dates/times/content generic rather than specific to the timeframes of the previous election
5	18/02/2020	Council	Redraft into new template format, update position titles
6	25/08/2020	Council	Updated in line with the <i>Local Government Act 2020</i> for adoption by 1 September 2020.
7	30/04/2024	Council	Comprehensive review undertaken in preparation for the 2024 General Election.