

# State and Federal Elections Policy

**Version:** 3.0

**Date adopted:** 19 January 2019

**Responsible Department:** Governance

**Related policies:** Councillor Code of Conduct, Councillors Support & Reimbursement Policy

## 1. Purpose

This policy defines Councillors' obligations if standing as candidates in elections. It ensures good governance is practised by all Councillors and officers.

This policy recognises that advocacy by Council during election campaigns is a legitimate activity with the objective of obtaining actions and projects to benefit the Casey community.

## 2. Definitions

<b>Council</b>	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
<b>Councillors</b>	means the individuals holding the office of a member of Casey City Council
<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Candidate</b>	a Councillor who is endorsed as a candidate for election by a political party or who if not a member of a political party has announced their intention to nominate as a candidate in an election
<b>Election</b>	the Federal or Victorian State election, or a by-election for either parliament.
<b>Formal nomination date</b>	date set by the relevant electoral commission at which nominations to be candidates in an election close.

## 3. Scope

This policy applies to Councillors who are candidates in a State or Federal election, all other Councillors and officers of the City of Casey.

*Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at [www.casey.vic.gov.au/policiesstrategies](http://www.casey.vic.gov.au/policiesstrategies) to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.*

## 4. Context

To ensure good governance at Casey prior to and in an election campaign period, this policy has been created to assist Councillors and officers to act in the best interests of the community, whilst undertaking normal business, including the pursuit of legitimate advocacy in an unbiased manner.

This policy should be read in conjunction with:

- Councilor Code of Conduct
- Governance Charter
- Councillor Support & Reimbursement Policy
- Councillor Communication Protocols

## 5. Strategy

### 5.1 Councillor to declare their candidacy in an election

As soon as practicable after becoming a candidate in an election, a Councillor must advise the CEO in writing. The CEO must advise in writing all Councillors as soon as practicable.

A Councillor who is a candidate for a State or Federal election should declare this at a meeting of the Council as soon as practicable after the formal nomination date.

### 5.2 Council Resources – use by Councillors

Council resources, including officers and support staff, hospitality services, equipment (eg mobile telephones, smart phones and computers), photographs taken at or for official Council business and stationery, should be used exclusively for normal Council business at all times, and must not be used in connection with an election campaign.

### 5.3 Improper Use of Position by Councillors

Sections 76D and 76E of the Local Government Act 1989 (the Act) prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

### 5.4 Functions and Events

Councillors, including those standing as candidates, may continue to attend functions and events.

Speeches will continue to be prepared for the Mayor's official functions and if requested, speeches will be distributed to the media at the discretion of the CEO. During this time, the Mayor will not delegate to any Councillor who is standing as a candidate any responsibility to represent him or her.

Ward forums will not be held within six weeks of an election.

### 5.5 Media Advice and Releases

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves Councillors standing as candidates.

Media releases will not refer to specific Councillors in their capacity as candidates. Councillors standing as candidates are not eligible to be Council's official spokesperson on Council's advocacy priorities. Council will nominate an alternative Councillor to be Council's advocacy spokesperson where required.

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 for a Councillor who is standing for election.

Photos of and references to Councillors standing as candidates will only feature in Council's publications where it is related to usual Council business, functions or events.

Where Council's Citynews magazine is due to be issued within six weeks of an election, Ward News will be held over, and alternative methods of communicating ward news (Eg. Advertorial) will be arranged at the conclusion of the election.

#### **5.6 Councillor candidates commenting on Council issues**

Where a Councillor comments on Council issues as a candidate in an election the Councillor should clearly identify this fact.

#### **5.7 Advocacy by Council**

It is recognised that the community expects that Council will advocate prior to a State or Federal election for actions and projects for the benefit of the Casey community.

In undertaking advocacy Council will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Casey community.

Refer to 5.5 for advice on advocacy spokespeople.

#### **5.8 Councillor/Officer protocols**

Communication protocols will apply. Where required, the CEO will review if any additional provisions are required.

Customer requests escalated from Councillors in their capacity as a candidate rather than Councillor must be referred to the CEO in writing for action.

#### **5.9 Leave of Absence**

### **6. Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

### **7. Review**

The next review of this document is scheduled for completion by 28 February 2022.

### **8. Breaches**

Breaches will be dealt with under the appropriate provisions of the Act, including misuse of position (section 76D) and/or the Councillor Code of Conduct, as appropriate.