

# Council Policy – Election Period Policy 2023

## APPENDIX A - GOVERNANCE RULES

**DATE AMENDED:** February 2023

**DATE OF NEXT REVIEW:** February 2024

**ADOPTED BY COUNCIL:**

**RESPONSIBLE OFFICER:** Manager Governance Risk & Compliance

**REFERENCES:** Local Government Act (1989)  
Local Government Act (2020)  
Local Government (Electoral) Regulations 2020

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## 1. INTRODUCTION

- 1.1 In the lead up to an election the Victorian Local Government sector adopts an election period mode (formerly known as caretaker mode) to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.
- 1.2 This Election Period Policy 2024 forms part of the Pyrenees Shire Council Governance Rules as Appendix A.

## 2. PURPOSE

- 2.1 Pyrenees Shire Council is committed to the principle of fair and democratic elections and therefore adopts and endorses the practices detailed within the Policy in addition to legislative requirements.
- 2.2 The Election Period Policy 2024 has been developed in order to ensure that general elections for Pyrenees Shire Council to be held in October 2024 are conducted in a manner that is fair and equitable to all candidates and is publicly perceived as such.

## 3. 2024 ELECTION TIMELINE

- 3.1 The dates in the table below are based upon the assumption that the 2024 Victorian local government general election will be held on Saturday 26 October 2024. If the announced date is different, this Policy will be amended accordingly.
- 3.2 Voting in council elections may be postal [voters in the area receive a ballot pack by mail] or attendance [voters in the area go to a voting centre to vote]. The voting system for all Victorian councils is set by the Minister for Local Government and the method will be notified before the 2024 election.

### 57 days before election day

Entitlement date.

People who are eligible to be on the electoral roll have until 4pm to enrol or update their details on the State or Council roll.

Entitlement date will be Friday, 30 August 2024.

### 32 days before election day

Nominations close.

Anyone who wants to be a candidate must nominate before 12 noon.

Nominations will close at 12 noon on Tuesday, 24 September 2024.

Council election period starts Tuesday, 24 September 2024 and ends on election day.



<b>31 days before election day</b>	For councils with attendance elections, postal vote applications and early voting opens.  Post vote applications and early voting opens on Wednesday, 25 September 2024.
<b>15-17 days before close of voting</b>	For councils with postal elections, postage of ballot packs to enrolled voters.  On or around 11 October 2024.
<b>1 day before election day</b>	Voting closes for postal elections. Ballot papers must be in the mail or in the hands of the returning officer by 6pm on Friday 25 October 2024.
<b>Election day</b>	Saturday, 26 October 2024.  In attendance elections, people can vote at any voting centre in their local council area.

#### 4. DEFINITIONS

4.1 In this Policy the terms:

<b>Election Period</b>	Means the election period as defined by the Local Government Act 1989 – formerly known as the ‘caretaker’ period - the period that: <ul style="list-style-type: none"> <li>(a) Starts on the last day on which nominations for that election can be received; and</li> <li>(b) Ends at 6pm on Election Day.</li> </ul>
<b>Electoral matter</b>	Means any matter that is intended or likely to affect voting in an election, including publication on any website under the auspices of Council.  This includes any matter containing 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 may include an advertisement, handbill, pamphlet, or notice; or: <ul style="list-style-type: none"> <li>• Council newsletters</li> <li>• Council invitations</li> <li>• Advertisements or notices – e.g., job advertisements, public notices of contracts etc</li> <li>• Media releases</li> <li>• Leaflets or brochures</li> <li>• Mail outs to multiple addresses</li> </ul>



Material is also electoral matter if it:

- Publicizes the strength or weakness of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims of a candidate
- Publicises the achievements of the elected Council
- Publicises matters that have already been the subject of public debate
- Is about matters that are known to be contentious in the community and likely to be the subject of election debate
- Deals with election candidates' statements
- Refers to Councillors or candidates by name or by implicit reference

<b>Entitlement date</b>	Means the day that is 57 days before the election day; unless a public holiday where it is the day which is the last working day before the 57 days
<b>Public consultation</b>	Means a process that involves inviting individuals, groups or organisations, or the community generally, to comment on an issue or proposed action or policy, and which includes discussion on that matter with the public.
<b>VEC</b>	Victorian Electoral Commission – responsible for the conducting of Victorian local government elections.
<b>Websites</b>	Council has a range of websites that promote services, day-to-day activities, and events. These include: <ul style="list-style-type: none"> <li>• Pyrenees Shire Council – <a href="http://www.pyrenees.vic.gov.au">www.pyrenees.vic.gov.au</a></li> <li>• Tourism – <a href="http://www.visitpyrenees.com.au">www.visitpyrenees.com.au</a></li> <li>• Facebook – <a href="https://www.facebook.com/eventfulpyrenees/">www.facebook.com/eventfulpyrenees/</a></li> </ul>

## 5. ELECTION PERIOD

- 5.1 In the lead up to an election the Victorian Local Government sector adopts an election period mode (or caretaker mode). During this period, Council will be deemed to be in election period mode and is prohibited from making major policy decisions or publishing / distributing election material.
- 5.2 The next relevant Election Day is likely to be Saturday 26 October 2024 [subject to confirmation by the Minister for Local Government].
- 5.3 The election period commences noon on Tuesday 24 September 2024 to 6pm Saturday 26 October 2024 [subject to confirmation by the Minister for Local Government].



5.4 The Chief Executive Officer will ensure that all employees are informed of the requirements of this Policy.

## 6. DECISION MAKING DURING THE ELECTION PERIOD

6.1 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to this principle in that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

6.2 Pursuant to section 67(2) of the Local Government Act 2020, Council decisions relating to the following are prohibited during the election period that:

- relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer, or
- commits the Council to expenditure exceeding one per cent (1%) 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
- decisions that would affect voting in an election, or
- the Council considers should not be made during an election period.

Any Council decision made in contravention of this clause is invalid.

6.3 To confirm compliance with election period provisions:

(a) No Council meetings will be held during the election period of 2024, unless:

- required to determine urgent or extraordinary business, or
- to determine on any statutory processes or matters that may arise.

(b) From Tuesday, 24 September 2024:

- no draft Council Strategies will be initiated, and
- no new processes will be initiated that require public consultation.

(c) All processes requiring public consultation should be completed prior to 4 September 2024.

(d) No Council events – either sponsored by or under the auspices of or run by – is to be scheduled or held during the election period.

(e) Information or documentation provided to any Candidate or Councillor during the election period will be made equally available to all Councillors and Candidates.

6.4 Decisions made prior to the election period by Council or by an officer under delegation can be implemented during the election period.



6.5 Examples of decisions prohibited during the election period include:

- Acquisition of land
- Adoption or amendment of the Pyrenees Shire Planning Scheme
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption or amendment of the Council Plan
- Adoption of a revised budget
- Adoption or amendment of a Local Law
- Allocation of grants or awards to individuals or organisations
- Appointing representatives to Council committees
- Disposal of land or assets
- Endorsing submissions to government or public bodies
- Employment matters pertaining to the Chief Executive Officer
- Entering into a contractor or entrepreneurial agreement exceeding the prescribed amount
- Entering into agreements (excluding an Enterprise Agreement), deeds or leases
- Naming or re-naming of roads, reserves, or features
- Reviewing of programs or service provision
- Any other decision that the Chief Executive Officer considers may affect voting at the election or is a decision that can be made outside of the election period.

## 7. ELECTION PERIOD – SPECIAL COUNCIL MEETING REPORTS

- 7.1 As Council will not hold an ordinary Council Meeting during the election period, this section only applies to reports for a special Council Meeting, if such a meeting is called.
- 7.2 In order to facilitate compliance with its commitment to ensuring appropriate decision-making during elections, Council hereby adopts the following procedures as outlined in Clauses 14.3 to 14.5 inclusive.
- 7.3 During the election period, the Chief Executive Officer will ensure that a “[Election Period Statement](#)” is included in every report submitted to a Special Council Meeting (if required) for a decision.
- 7.4 The “Election Period Statement” will specify one of the following:
- (a) “The recommended decision is not considered to be a major decision within the meaning of the Election Period Policy and has been approved by the Chief Executive Officer as appropriate for Council consideration during the election period.”
  - (b) “The recommended decision has been approved by the Chief Executive Officer as one that could not be reasonably deferred until the next Council is in place.”



7.5 During the election period, Council will not decide on any matter that does not include one of the Election Period Statements as outlined above.

## 8. PUBLIC CONSULTATION

8.1 Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion on that matter with the public.

8.2 Public consultation will cease to be initiated as from 24 September 2024 and will not occur during the election period.

8.3 An exemption to the requirements of this Clause relate to statutory public consultation required under the *Planning and Environment Act 1987* or matters subject to section 223 of the *Local Government Act 1989* but only where the matter **could not be avoided** during the election period.

8.4 Consultations under statutory provisions shall only proceed after express agreement by the relevant Director in consultation with the Chief Executive Officer and if it relates solely to the normal day-to-day business of Council.

## 9. COUNCIL RESOURCES

9.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. **Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during an election period.** This includes a commitment to comply with the following procedures.

9.2 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. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the relevant Director.

9.3 Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the election period, and shall not be used in connection to any electioneering activity.

9.4 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 a candidate's election campaign.

9.5 No Council events, logo, letterheads, or other Pyrenees Shire Council branding should be used for, or linked in any way to, a candidate's election campaign.

9.6 The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.



- 9.7 Photos or images taken 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:
- (a) images on Council websites or social media that may be able to be copied, and
  - (b) posts and comments on social media that may be able to be forwarded and commented on.
- 9.8 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 9.9 Allocations on budget for Councillor allowances, e.g., seminars / training and attendance at conferences, are to be allocated on a pro rata basis between the commencement of the financial year and the election date, i.e., pro rata basis of 4 months out of 12-month period.
- 9.10 The Council will ensure that other Pyrenees Shire Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human, and material resources.
- (a) Council staff will not undertake an activity that may affect voting in the election.
  - (b) Council staff will not authorise, use, or allocate a Council resource for any purpose that may influence voting in the election.
  - (c) Council staff that feel they are / may be placed in a compromising situation by a request from a Councillor or Candidate should politely refer the individual to the Chief Executive Officer for clarification.
  - (d) Requests from Councillors or Candidates during the election period should be directed in the first instance to either the Chief Executive Officer and/or the appropriate director.
- 9.11 Prior to the election period, the Chief Executive Officer will ensure that all members of Council staff are advised regarding the application and scope of the election period procedures.
- 9.12 Any staff member who considers a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate shall immediately advise their director before authorising, using, or allocating the resource. The direction, in consultation with the Chief Executive Officer, will decide if the use of Council resources is appropriate or not.
- 9.13 In applying these procedures, the Council understands that the following will be normal practice during an election period:
- (a) Public Council events will not be organised or held during the election period.
  - (b) If unavoidable or unexpected, an event may only be conducted with the express permission of the Chief Executive Officer.
  - (c) Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of Council.



- (d) Media services, including media releases, will not be provided for Councillors during the election period.
- (e) Any routine Councillor media columns (e.g., Councillor Column in the Pyrenees Advocate) will be replaced by a column written by the Chief Executive Officer.
- (f) Media releases will not mention or quote any Councillor(s) during the election period.
- (g) No Council newsletters will be printed or distributed by Councillors during the election period.
- (h) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.

9.14 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes.

- (a) Where it is practicable, Councillors should discontinue use of equipment and facilities provided by the Council during the election period. E.g., Councillors may use a private mobile phone for all election enquiries and publicise such number on election literature.
- (b) Where it is impractical for Councillors to discontinue use of these during the election period, Councillors will keep a log of usage and reimburse the Council for private expenses incurred.

## 10. INFORMATION

10.1 The Council recognises that all election candidates have rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles.

Neither Councillors nor candidates will receive information or advice from Council Officers that might be perceived to support election campaigns, and there shall be complete transparency in the provision of information and advice during the election period.

10.2 Information and any other briefing material prepared for Councillors during the election period will relate only to factual matters or existing Council services to assist Councillors in conducting normal day-to-day activities. Such information will be sent to Councillors by the Chief Executive Officer's Office or the appropriate Director.

10.3 An Information Register will be maintained by the EA to the CEO & Councillors commencing on 24 September 2024:

- (a) This Register will be a public document that records all requests for information of a non-election nature by all candidates, and the responses / documents provided to those requests.
- (b) Details to be included within the Register include not only the request and response but also the name of the candidate making the request and the date the request was made.



- 10.4 Responses to candidate's requests for information will be provided by Directors or the Chief Executive Officer. Directors will be required to discuss the request and the proposed response with the Chief Executive Officer prior to the response being provided. Only information that can reasonably be accessed will be released.
- 10.5 Penalties exist for any Councillor who inappropriately makes use of their position or information obtained in their role of Councillor, to gain an advantage.
- 10.6 Any Freedom of Information (FoI) requests lodged during the election period on matters regarding current Councillors will be dealt with in accordance with the statutory procedure prescribed by the FoI Act. Where possible the request will be dealt with outside of the election period (the FoI Act specifies a 30-day period in providing a response to a FoI request).

## **11. COMMUNICATION**

- 11.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 11.2 During the election period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal media releases but also verbal comments at meetings, functions, and events where attending as part of their Council role.
- 11.3 Any requests from Councillors for media advice or assistance during the election period will be channelled through the Chief Executive Officer.
- 11.4 In response to media enquiries the Chief Executive Officer, Directors or Communications Officer will only provide a response and such information should relate to current services and operations.
- 11.5 In the election period no media releases will be issued quoting or featuring a Councillor.
- 11.6 During the election period, Council initiated communications shall be restricted to the communication of normal Council activities.
- 11.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 11.8 No publicity will be provided that involves specific Councillors.
- 11.9 Councillors should not use their position as an elected representative or their access to staff and other Council resources or information in support of an election campaign. This includes photos or images, or images provided by Council for past Council activities.
- 11.10 Contact with the local media will be restricted to the communication of normal Council and responding to questions not involving the election or possible election outcomes.



- 11.11 Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not feature, mention, or quote or contain any photo of any Councillor.
- 11.12 Councillor participation at Council sponsored events (if any during the election period) should not be used to gain attention in the support of an election campaign. Council sponsored events include launches, events, and any other public forum outside the normal Council meeting cycle.

## 12. SOCIAL MEDIA

- 12.1 Social media activity during the election period must conform with the following:
- (a) On Facebook and other social media pages, the “post comments” ability will be disabled.
  - (b) Social media posts will be kept to a minimum, reflecting day-to-day activities only.
  - (c) No launches or announcements of new projects, policy initiatives, or programs will be published.
  - (d) YouTube videos to be made private and only those pertaining to operational matters of Council day-to-day activities allowed to remain active.
  - (e) No hosting or responding to political content will be permitted.
  - (f) During the election period, moderation of all Council social media sites will be ensured.

## 13. COUNCIL PUBLICATIONS

- 13.1 Limitations will be placed on all printing, publishing, or distributing publications during the election period to ensure Council does not utilise public funds that may influence or be seen to influence people’s voting intentions, including publication on any websites or social media under the auspices of Council.
- 13.2 **Council must not print, publish, or distribute a publication during the election period unless it has been approved by the Chief Executive Officer, confirming that it does not contain electoral matter.**
- 13.3 An “electoral matter” is any matter that is intended or likely to affect voting in an election and includes matter 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. [See definitions section for more information.]
- 13.4 It is preferred, where possible, to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.



13.5 Council publications referencing either current Councillors or Candidates, both online and on public display, will be withdrawn from view during the election period. Profiles of the Mayor and Councillors will be removed from Council’s website during the election period but contact details for their day-to-day role as Councillor will be retained.

13.6 Council Agendas, Minutes, and the Annual Report are considered exempt from the requirements of this section. Pursuant to the provisions of the *Local Government Act 2020*, Council is required to produce an Annual Report and the Annual Report 2024 will be published during the election period.

The Annual Report 2024 will not contain any material that could be regarded as overt electioneering or inappropriately promoting individual Councillors but will fulfil Council’s statutory obligations on reporting matters.

13.6 Any public references to the election will be limited to the election process – e.g., the date of the election.

#### 14. ASSISTANCE TO CANDIDATES

14.1 Council affirms that all candidates for the Council election will be treated equally. For the purposes of this Policy, any Councillors – whether standing for Council or not – will be regarded as a candidate.

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

14.3 All election-related enquiries from candidates, including sitting Councillors, will be directed to the VEC Election Manager.

#### 15. DOCUMENT HISTORY

Version Number	Issue date	Description of change
1.0	March 2016	Initial release
2.0	August 2019	Updated for 2020 General Election
2.1	August 2020	Updated as part of implementing the Local Government Act 2020 to form part of the Governance Rules 2020 (Appendix A).
3.0	February 2023	Updated as part of reviewing the Governance Rules 2023 and in preparation for 2024 General Election. Changes made: <ul style="list-style-type: none"> <li>• New section 3 detailing assumed 2024 election timeline. To be confirmed in early 2024.</li> <li>• Section 4 – amendments to definitions to maintain accuracy.</li> </ul>



Version Number	Issue date	Description of change
		<ul style="list-style-type: none"> <li>• Section 12 – change in CEO approval for publications from the former certification requirement which is no longer relevant.</li> <li>• Added Appendix A – action checklist.</li> <li>• Throughout the document:               <ul style="list-style-type: none"> <li>○ Change from referencing “caretaker” mode as this is no longer in common use.</li> <li>○ Removal of references to legislation now rescinded.</li> </ul> </li> </ul>



**16. APPENDIX A: PREPARATION ACTION LIST**

Action	Responsibility	Timeline
a. Monitor LG Minister announcement of election dates and update Election Period Policy as required.	Manager Governance Risk & Compliance	Prior to September 2024
b. Non-arrangement of Council meeting in October 2024 as part of 2024 planning.	EA to CEO & Councillors	November 2023
c. Provide updates on confirmed election dates and obligations to Council.	Manager Governance Risk & Compliance	Council Meeting immediately following Minister announcement
d. Reminder notification of obligations during election period to Councillors.	Director Corporate & Community Services	Council briefing August 2024
e. Notification to staff of obligations and restrictions during election period to Staff.	Director Corporate & Community Services	May and August 2024. SLT Strategic May and August 2024
f. Public notifications on obligations and restrictions of Council during election period.	Senior Communications Officer	August and September 2024
g. Removal of ability to post comments on social media.	Senior Communications Officer	23 September 2024
h. Discussion with Councillors on use of Council provided equipment and facilities during the election period.	Director Corporate & Community Services	August 2024 Briefing
i. Commencement of Information Register	EA to CEO & Councillors	23 September 2024

