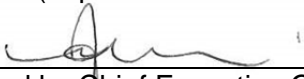


DOCUMENT TYPE:	Council policy
DOCUMENT STATUS:	Approved
POLICY OWNER POSITION:	Chief Executive Officer
INTERNAL COMMITTEE ENDORSEMENT:	Not applicable
APPROVED BY:	Council
DATE ADOPTED:	22/03/2016
VERSION NUMBER:	1
REVIEW DATE:	1/07/2017
DATE RESCINDED:	
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	
RELATED LEGISLATION:	Local Government Act 1989 Local Government (Improved Governance) Act 2015
EVIDENCE OF APPROVAL:	


Signed by Chief Executive Officer

FILE LOCATION: K:\EXECUTIV\policies and procedures\Policies -
adopted PDF and Word\POL Election period policy
v1.docx

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Loddon Shire website (Council Policies) or Intranet (Organisational Policies) to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

This policy has been developed in response to section 93B (1) of the Local Government Act 1989 (the Act) which states that “a Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.”

By adopting this policy Council can communicate its commitment to ensuring that the community is aware of how it will conduct business openly and objectively immediately prior to an election.

It will also ensure that Council elections are not compromised by inappropriate electioneering by existing councillors, and safeguard the authority of the incoming Council.

2 SCOPE

The policy applies to Councillors and staff of the Loddon Shire Council during the “election period”.

For the 2016 election, and application of this policy, the election period is midnight Tuesday 20 September 2016 to 6.00pm Saturday 22 October 2016, and Election Day is 22 October 2016.

3 POLICY

3.1 Preventing inappropriate decisions and misuse of resources

3.1.1 Major policy decisions

The Council will not make any major policy decisions during the election period.

3.1.2 Inappropriate decisions

The Council will not make any inappropriate decisions during the election period, and will do this by implementing the following controls:

- The Chief Executive Officer will scrutinise content of Council agendas to ensure that:
 - only those matters that must be dealt with are on the agendas during the election period and all other matters are deferred until after Election Day.
 - items that could potentially influence voters’ intentions at the forthcoming election or could encourage candidates to use the item as part of their electioneering are not included on the agendas.
- Councillors will not move motions or raise matters at a meeting during the election period that could potentially influence voting at the election.

3.1.3 Misuse of resources

Councillors must not unreasonably use any Council resource for campaign purposes during the election period or seek reimbursement from Council for costs incurred for a campaign related purpose.

The Councillors Support and Reimbursement of Expenses Policy details resources that will be provided and/or reimbursed to Councillors, and includes clauses around information technology (including computers and mobile phones), vehicles, and travel expenses.

Incidental use of Council provided resources in connection with campaigning is not considered a breach of this policy or any applicable electoral law, as it does not cause any unreasonable or unfair advantage to a current Councillor compared to a candidate. In reaching this position Council has considered:

- Mobile phones, computers, and vehicles are universally available and used by the wider community and there is no special advantage for a Councillor in continuing to have access to one or more of these resources during the election period.
- It would be impractical for a Councillor to have to operate two mobile phones or any other resource to avoid the use of one of those resources in connection with a campaign.
- The Councillors Support and Reimbursement of Expenses Policy documents specific rules around private use of Council resources, and it is expected that Councillors will adhere to those rules when campaigning.
- The Chief Executive Officer authorises claims for reimbursement under the Councillors Support and Reimbursement of Expenses Policy. Additional scrutiny will be applied to claims for reimbursement throughout the election period.
- At the start of the election period the Chief Executive Officer will reinforce the requirements of this policy to Councillors, who under Section 93B (4)(A) of the Act, must be provided with a copy of the policy as soon as practicable after adoption.

3.2 Limiting public consultation and council events

Every attempt will be made to eliminate all public consultation and Council events during the election period. If, however, it is deemed necessary to hold public consultation during the election period, it will be held only to satisfy normal Council responsibilities and legislative requirements.

3.2.1 General media

The Chief Executive Officer authorises all media releases. That practice will continue during the election period, with further scrutiny applied to media releases by the relevant director prior to sighting by the Chief Executive Officer to ensure that there is no electoral matter included in the content.

Appendix 1 details the authorisation process for general media during the election period.

3.2.2 Media comment

Under Council's Levels of Authority, the Mayor and Chief Executive Officer can make comment on behalf of the Council. During the election period, the Chief Executive Officer will make all comment on behalf of the Council.

3.2.3 Social media

Staff with social media responsibilities will be advised of the election period requirements by the Chief Executive Officer prior to election period commencement.

During the election period all social media content will be monitored and authorised by the relevant director before distribution to the Chief Executive Officer to ensure that no electoral matter is posted on the sites.

Appendix 1 details the authorisation process for social media during the election period.

3.3 Equitable access to Council information

The Chief Executive Officer will ensure that access to information provided to candidates for the 2016 election is made equally available to all candidates.

Councillors will continue to access Council held documents during the election period, but only as is necessary for them to perform their current duties and functions.

3.4 Local Government Act 1989 provisions

3.4.1 Prohibition on Council

Section 55D of the Act details certain prohibitions on Council and Council officers during the election period, as follows:

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.
- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

3.4.2 Misuse of position

Section 76D of the Act states that Councillors, by virtue of their position, must not misuse their position, and includes:

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—
 - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (b) to cause, or attempt to cause, detriment to the Council or another person.
- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of section 77(2); or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or

- (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised; or
 - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
 - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

4 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
election day	<ul style="list-style-type: none"> • The day of an election determined under Section 31 (general elections) or Section 38 (by-elections)
election period, in relation to an election, means the period that:	<ul style="list-style-type: none"> • starts on the last day on which nominations for that election can be received; and • ends at 6 p.m. on election day
inappropriate decisions made by a Council during an election period	<ul style="list-style-type: none"> • decisions that would affect voting in an election, or • decisions that could reasonably be made after the election
major policy decision means any decision:	<ul style="list-style-type: none"> (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer; (b) to terminate the appointment of a Chief Executive Officer under section 94; (c) to enter into a contract the total value of which exceeds whichever is the greater of— <ul style="list-style-type: none"> (i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year; (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

6 REVIEW

The Chief Executive Officer will review this policy for any necessary amendments no later than 1 year after adoption of this current version.

7 ATTACHMENTS

Appendix 1 Authorisation process for general media and social media

APPENDIX 1: AUTHORISATION PROCESS FOR GENERAL MEDIA AND SOCIAL MEDIA

1	Article is prepared by relevant officer and provided to relevant director for first approval.
2	Relevant director reads the article and scrutinises it for electoral material.
3	When satisfied that the article does not include any electoral matter, the relevant director authorises and forwards to the Chief Executive Officer for final approval.
4	The Chief Executive Officer reads the article and scrutinises for electoral material.
5	When satisfied that the article does not include any electoral matter, the Chief Executive Officer signs the article as authorised and returns to the Executive Assistant to the CEO for submitting to media or publishing on Council's social media.

Authorisation wording that will be attached to all media during the election period:

First approval by relevant director	I have read the attached article and believe it does not contain any electoral material.	Signed: Name: Date: / / 2016
Final approval by Chief Executive Officer	I have read the attached article and believe it does not contain any electoral material.	Signed: Name: Date: / / 2016