

Election Period Policy 2020

Policy statement

This Policy demonstrates Council's compliance with the election period provisions of the *Local Government Act 1989* (the Act). The Policy commits Council during the election period to avoid making significant new policies or decisions that could unreasonably bind a future Council.

The Policy also restricts the making of decisions that would affect voting in an election and ensures that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

This Policy will also facilitate the continuation of the ordinary business of Council through the election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions.

Principles

The Election Period policy is informed by the following City of Whittlesea Community Building Principles:

Community and civic participation

We are committed to delivering accessible information, facilities, programs and services that encourage all people to build social connections and participate in community life. We work to ensure citizens are informed and consulted by governments about the decisions that affect their lives and can fully participate in decision making processes.

Community leadership

We recognise the importance of local identity, leadership, knowledge and community led initiatives. We actively build from the assets, strengths, skills and expertise within Council and in the local community and promote opportunities for people to grow and lead with knowledge, optimism and purpose. Councillors have a unique opportunity to combine representative roles with facilitating community conversations around priorities and aspirations, and encouraging participatory activity for better community outcomes.

Objective(s)

The objectives of the Policy will be achieved by:

- establishing procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period;
- establishing procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election;
- placing limits on public consultation and the scheduling of Council events; and
- increasing awareness of what can and cannot be done during the election period.

Definitions

Where terms used in this Policy are defined in the *Local Government Act 1989 (Act)*, their use in this Policy is consistent with the definitions in the Act.

Relevant legislative provisions in the Act are included at Attachment 1.

<i>election period</i>	Has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
<i>publish</i>	Means publish by any means, including by publication on the Internet.
<i>public consultation</i>	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
<i>significant decision</i>	In the context of this policy, significant decisions include: <ul style="list-style-type: none"> a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.
<i>inappropriate decisions</i>	Inappropriate decisions made by a Council during an election period includes any of the following: <ul style="list-style-type: none"> a) decisions that would affect voting in an election; and b) decisions that could reasonably be made after the election.

Context/Rationale

The *Local Government Act 1989* ('the Act') prohibits Councils from making 'major policy decisions' during the election period, including decisions to award contracts beyond statutory thresholds, decisions on certain entrepreneurial activities and decisions about the CEO's employment and remuneration.

The Act also prohibits Council from publishing or distributing electoral matter (except material only concerning the election process) during the election period and from the making of defined 'major policy decisions'.

The Policy addresses the legal requirements by providing guidance at an operational level to ensure compliance and builds on the minimum statutory standards to enhance the transparency and accountability of Council, Councillors and Council staff during the election period.

The 'election period' is defined by the Act as starting on the last day for nominations and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day. The election period for the 2020 general elections will commence **midnight on Tuesday 22 September 2020 and end 6pm on Saturday 24 October 2020.**

This policy replaces and overrides any previous policy or document that refers to the election period.

Scope

This Policy facilitates the continuation of the ordinary business of Council through the election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions.

Key linkages

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities*.

This policy has clear linkages to a range of codes, charters, legislation and Council documents: *Local Government Act 1989*, sections 55D, 76B, 76BA, 76C, 76D, 76E, 93A,

Procedural Guidelines

1. Application of Policy

Council will function in accordance with this Policy during the election period commencing on **Tuesday 22 September 2020 and ending at 6pm on Saturday 24 October 2020.**

While nominations for the general election will close at noon on 22 September 2020, the definition of the term “election period” in the Act indicates that the “election period” commences at the beginning of that day – that is, immediately after midnight.

1.1 Role of Chief Executive Officer

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:

- All Councillors and Officers are informed of the application of this policy 30 days prior to the commencement of the election period; and
- Matters of Council business requiring major policy decisions or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred, where appropriate, for determination by the incoming Council.

It is acknowledged that a significant decision, which is not a major policy decision for the purposes of the Act, may still be made by the Council at its discretion during the election period.

2. Decisions by Council

2.1 Major Policy Decisions

2.1.1 Definition

Major Policy Decision is defined by the Act to mean a decision:

- a) Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- b) To terminate the appointment of a CEO;
- c) To enter into a contract the total value of which exceeds whichever is the greater of the threshold that requires a public tender process under section 186 of the Act (\$150,000 for contracts for the purchase of goods or services and \$200,000 for works) or 1% of Council's total revenue from rates and charges for 2019/20; or
- d) To exercise any power under section 193 of the Act if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of Council's total revenue from rates and charges.

For the purposes of paragraphs (c) and (d), the relevant figure will be \$1,589,940 based on 1% of Council's total revenue from rates and charges for 2019/20 (\$158,994,000).

If Council determines to accept a tender prior to the election period, the contract documents can be executing during the election period (as long as the contract documents have not been substantively changed since the Council's decision to enter into the contract).

There are no legal restrictions on Council making town planning decisions under the *Planning and Environment Act 1987* during the election period, except to the extent that they constitute inappropriate decisions for the purposes of section 93B of the Act (see clause 3.2 of this Policy). Therefore, town planning items should continue to be processed in accord with usual practices and statutory timelines. Town planning decisions will not be considered to be significant decisions for the purposes of this Policy, but may be inappropriate decisions for the purposes of section 93B of the Act.

Decisions that have some element of Council exercising entrepreneurial powers or with any large risk exposure are more difficult to assess and these should be discussed with the relevant Director as early as possible.

2.1.2 Prohibition on Council

During the election period, section 93A of the Act prohibits Council or a person acting under delegation from Council from making major policy decisions. Any major policy decision made during the election period is deemed to be invalid under the Act. Council may be liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith on a major policy decision made in breach of the Act.

2.1.3 Extraordinary Circumstances

If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, Council may, by resolution, request an exemption from the Minister for Local Government Act.

2.2 Inappropriate Decisions

Section 93B of the Act requires Council's election period policy to include procedures to prevent Council making inappropriate decisions during the election period.

Inappropriate decisions made by a Council during an election period include any of the following:

- (a) decisions that would affect voting in an election; and
- (b) decisions that could reasonably be made after the election.

Council acknowledges that it may not be reasonable to leave a decision to be made after the election if:

- a) the failure to make the particular decision would have a negative impact on Council, the municipality or the local community; and
- b) the disadvantages of not making the decision exceed the benefits of deferring the decision until after the election.

3. Public Consultation and Council Events

3.1 Public Consultation

Under section 93B of the Act, Council's election period policy must include limits on public consultation and the scheduling of Council events.

Some public consultation activities may be necessary during the election period to comply with Council's legal obligations (such as public consultations required by legislation). Where it is within Council's control to do so, Council will seek to avoid actions which will result in the necessity of conducting public consultation processes during the election period.

Any public consultations will avoid express or implicit links to the election.

3.2 Council Events

Under section 93B of the Act, the election period policy must include limits on the scheduling of Council events.

Council will, wherever possible, ensure that any Council events are scheduled to occur outside the election period. Where a Council event must be held during the election period, any involvement of Councillors in the Council event shall be kept to the minimum practicable level.

4. Council Publications

4.1 Prohibition on Publishing Material during the Election Period

Section 55D of the Act prohibits Council from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during the election period unless it has been certified, in writing, by the Chief Executive Officer.

The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice unless it only contains information about the election process.

The Chief Executive Officer cannot delegate the power to certify under section 55D of the Act.

A Councillor or a 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, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

4.2 Certification of Publications

Publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer.

The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the publication and be in the following form:

'Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989'.

Copies of all certified documents will be retained on Council records.

Publications which require certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);
- Advertisements and notices, except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

All printing and publishing will be coordinated through the Marketing and Communications Department. Attachment 2 contains guidelines to printing and publishing material during the election period.

4.3 Prohibited Material

The term “electoral matter” is defined in the Act to mean matter which is 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.

‘Electoral matter’ for the purposes of the Act is 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.

It is therefore likely that “electoral matter” will include material which (among other things):

- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or
- publicises the achievements of the elected Council or particular Councillors.

4.4 Council Publications Including Councillor Information

Council publications printed, published or distributed during the election period will not include any reference to individual Councillors, unless Council is legally obliged to include any such reference.

4.5 Website

Material published on Council's website in advance of the election period is not subject to certification. However, it is possible that the continued presence of material on Council's website could be interpreted as meaning that the material is published on an ongoing basis, rather than at the date on which the material is first posted on the website. The Chief Executive Officer will review the content of the website prior to the election period and remove any material that the Chief Executive Officer considers likely to be electoral matter. The Chief Executive Officer will certify all relevant material that is to remain on the website.

Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed.

Any new material published on Council's website during the election period must be certified by the Chief Executive Officer.

4.6 Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2019/20 Annual Report will be published by the Chief Executive Officer during the election period. The Annual Report will not contain any material regarded as overt electioneering or that inappropriately promotes individual Councillors.

The Annual Report does not require certification by the Chief Executive Officer, however, any publication of an extract or summary of the Annual Report will require certification.

4.7 Council and Committee Agendas and Minutes

Agenda papers and minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

4.8 Social Media

Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be certified by the Chief Executive Officer.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

5. Council Resources

5.1 Application of Resources

Council resources, including email addresses, photos, offices, vehicles, staff, hospitality, services, property (including intellectual property), equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

Any misuse of his or her position by a Councillor to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person or to cause or attempt to cause detriment to Council or another person may breach section 76D of the Act. Circumstances involving the misuse of a position include using public funds or resources in a manner that is improper or unauthorised.

5.2 Role of Executive Assistant to Mayor

The Executive Assistant to the Mayor or any other staff member will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

5.3 Use of Council Equipment by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment such as printers and mobile phones as a resource to assist with election campaigns.

5.4 Councillors' Entitlement to Reimbursement

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 support or are connected with a candidate's election campaign.

5.5 Council Branding

Council logos, letterheads, or other corporate branding or intellectual property must not be used for, or linked in any way to, a candidate's election campaign.

5.6 Cessation of Ward Specific Publications

Ward-specific publications or Councillor profiles and articles in Local Scoop will not be published by Council during the election period.

5.7 Officers' Discretion

The 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. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his or her delegate.

6. Media Services

6.1 Restriction on Services

Council's Advocacy, Communications and Customer Service Department undertakes the promotion of Council activities and initiatives.

During the election period, the Department's services must not be used in any way that might promote a Councillor as an election candidate.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives, and is subject to approval and certification by the Chief Executive Officer.

6.2 Media Releases/Spokespersons

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be consulted.

Media releases will require certification by the Chief Executive Officer.

6.3 Councillors

Councillors will not use their position as elected representatives or their access to Council officers and other Council resources to gain media attention in support of an election campaign.

6.4 Council Employees

During the election period, no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained from the Chief Executive Officer or his or her delegate.

7. Information

7.1 Candidates' Access to Information

Section 93B of the *Local Government Act* requires that Council's Election Period Policy include procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election. Council does not, however, consider that section 93B of the Act requires Council to disclose confidential information to candidates who are not Councillors.

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors

nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the election period.

7.2 Information Request Register

The Governance Department will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates and the responses given to those requests.

8. Assistance to Candidates

8.1 Role of Returning Officer

All election related enquiries from candidates, whether sitting 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 his or her delegate.

8.2 Candidate Information

Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.

Candidates will be informed of their obligation to complete a Nomination Form, which will be available from the Returning Officer, accompanied by the prescribed nomination fee.

Candidates will also be informed of the requirements to complete and submit an Election Campaign Donation Return to the Chief Executive Officer in the prescribed form within 40 days after the election day. The return must contain details of any campaign donation or gift valued at more than the gift disclosure threshold (currently \$500) which was received between the date 30 days after the previous election and the date 30 days after the current election.

ATTACHMENT 1**Relevant sections from the Local Government Act 1989****Section 55D Prohibition on Council**

- (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.
- (1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include –
- (a) publication of any document published before the commencement of the election period; and
 - (b) publication of any document required to be published in accordance with or under any Act or regulation.
- (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.

Penalty: 60 penalty units.

- (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.

Penalty: 60 penalty units.

Definitions – section 3(1) of the Local Government Act

election period, in relation to an election, means the period that-

- (a) starts on the last day on which nominations for that election can be received; and
- (b) ends at 6 p.m. on election day;

electoral advertisement, handbill, pamphlet or notice means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;

publish means publish by any means including by publication on the Internet;

- (1A) In this Act, ***electoral matter*** means matter which is 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.
- (1B) Without limiting the generality of the definition of ***electoral matter***, 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—
- (a) the election; or
 - (b) a candidate in the election; or
 - (c) an issue submitted to, or otherwise before, the voters in connection with the election.

Section 76B Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must -

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

76BA General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

76C Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
 - (a) must include the Councillor conduct principles;
 - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
 - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
 - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
 - (a) given to each Councillor;
 - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

76D Misuse of position

- (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.

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (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.

76E Improper direction and improper influence

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
- (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

93A Conduct of Council during election period

- (1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.
- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.
- (6) In this section, a major policy decision means any decision—
 - (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—
 - (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.

93B Council to adopt an election period policy

- (1) 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.
- (2) A Council must prepare and adopt an election period policy as required by subsection (1)—

- (a) by 31 March 2016; and
 - (b) following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.
- (3) An election period policy must include the following—
- (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
 - (b) limits on public consultation and the scheduling of Council events;
 - (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.
- (4) A copy of the election period policy must—
- (a) be given to each Councillor as soon as practicable after it is adopted; and
 - (b) be available for inspection by the public at the Council office and any district offices; and
 - (c) be published on the Council's Internet website maintained under section 82A.
- (5) In this section—
- inappropriate decisions* made by a Council during an election period includes any of the following—
- (a) decisions that would affect voting in an election;
 - (b) decisions that could reasonably be made after the election.

95 Conduct principles

- (1) Council staff must in the course of their employment—
- (a) act impartially;
 - (b) act with integrity including avoiding conflicts of interest;
 - (c) accept accountability for results;
 - (d) provide responsive service.
- (2) Nothing in subsection (1)(c) affects the granting of an indemnity to a member of Council staff in respect of any liability or limits the effect of—
- (a) any such indemnity, whether granted before or after the commencement of section 67 of the Local Government (Democratic Reform) Act 2003; or
 - (b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement.

ATTACHMENT 2
GUIDE TO PRINTING AND PUBLISHING MATERIAL DURING THE ELECTION PERIOD

<i>Spokesperson for the Council</i>	
Approved by:	CEO but may be delegated to Directors
Yes	The role of spokesperson for the Council in media statements during the election period will be the CEO, though this may be delegated to Directors.
<i>Media releases, Media Services and Media enquiries</i>	
Approved by:	Media releases – No change to existing approval process (except for CEO certification). Media enquiries – Enquiries will be directed to Marketing & Communications. Media Services – shall not be provided to individual Councillors for the purpose of electioneering. Media releases to be issued by the CEO.
Yes	Promotion of Council services or policies as per Council’s media policy.
No	No quoting or promoting Councillors or candidates. No “Mayor’s Message” or equivalent to be prepared during the Election Period. No preparation or assistance provided to Councillors for releases that contain electoral matter.
<i>Bulk mail outs – Hard copy and via email</i>	
Approved by:	CEO
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.
<i>Preparing text on behalf of/for the Mayor prior to the election period where the text may be published during the election period – specifically referring to instances where community organisations, schools etc ask for text from the Mayor on behalf of the City for publication in their regular newsletters. Text must not include electoral material under the Local Government Act 1989.</i>	
Approved by:	No change to existing approval process.

Existing Brochures	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business. Previously published items still in use will be reviewed to ensure consistency with these guidelines and their continued availability during the election period subject to this Policy.
No	No quoting or promoting Councillors or candidates.

New Brochures	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.

New or modified Whittlesea internet (not intranet) and Social Media	
Approved by:	No change to existing process
Yes	Promotion of Council services or policies as per normal course of business. Councillor photographs and official contact details remain. Any new material published that may be considered an advertisement, handbill, pamphlet or notice must be approved by the CEO.
No	No quoting or promoting Councillors or candidates.

Previously published material on the City of Whittlesea website, Social Media, on displays at the reception desk and other Council facilities	
Approved by:	No change to existing process (except for CEO certification)
Yes	All material that may constitute electoral material to be removed for the duration of the election period. Most content stays the same. CEO to certify any relevant material. Promotion of Council services or policies as per normal course of business. Councillor photographs and official contact details remain.
No	Material relating to the election or candidates, except Council or VEC produced election material relating solely to the electoral process.

<i>New material to be published on the City of Whittlesea website, Social Media, on displays at the customer service desk and other Council facilities</i>	
Approved by:	No change to existing process
Yes	Promotion of Council services or policies as per normal course of business. Councillor photographs and official contact details remain. Homepage content reviewed for consistency to Guidelines, other content remains. Any new material published that may be considered an advertisement, handbill, pamphlet or notices must be approved by the CEO.
No	Material relating to the election or candidates except Council or VEC produced election material relating to the electoral process.
<i>New or modified non-City of Whittlesea internet (not intranet) and social media</i>	
Approved by:	Any new material published that may be considered an advertisement, handbill, pamphlet or notices must be approved by the CEO: Growling Frog Golf Course – Director Community Services Plenty Ranges Arts and Convention Centre – Director Community Services Whittlesea Business – Director Planning, Partnerships and Engagement Whittlesea Building – Director Planning, Partnerships and Engagement Whittlesea Tourism – Director Planning, Partnerships and Engagement
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.
<i>Weekly newspaper column</i>	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business.
No	No quoting or promoting Councillors or candidates.
<i>Newspaper advertisements</i>	
Approved by:	No change to existing process (except for CEO certification)
Yes	Promotion of Council services or policies as per normal course of business. All advertisements, including HR, Procurement, Public Notices must be certified and approved by the CEO.
No	No quoting or promoting Councillors or candidates.
<i>Council run public events (including corporate, civic functions and Citizenship Ceremonies)</i>	
Approved by:	Public events will only be organised and run by the Council administration if they are part of the normal services or operation of the Council. The decision on whether an event is to be conducted will be made by the CEO.
Yes	If the event goes ahead then: Invitations will be issued by City of Whittlesea – that is, not by the Mayor.

	<p>Invitations to attend the activity will be issued to the Mayor and Councillors, as usual</p> <p>Material printed or disseminated to publicise the event must be certified and approved by the CEO.</p> <p>Events will be MC'd by the CEO or delegate.</p> <p>The Mayor will be invited to open/launch the event as per usual; if they decline, the CEO or delegate will do it.</p> <p>Citizenship Ceremonies (if scheduled) will proceed as usual.</p> <p>Speeches for Councillors will be prepared and approved by the CEO.</p>
No	<p>The annual Mayoral Community Thank You Event will be held before the commencement of the election period. The invitation for the Mayoral Community Thank You Event will be issued under the name of the Mayor.</p>

Public (non-Council conducted) events

Approved by:	<p>Invitations for the Mayor and/or Councillors to participate in non-Council events conducted or co-ordinated by external organisations or groups – it is the responsibility of the Mayor and/or Councillor individually to determine whether or not they will attend.</p>
Yes	<p>If the Mayor is attending such an event on behalf of the City, a speech will be prepared.</p> <p>If a Councillor is attending the event on behalf of the Mayor (and on behalf of the City), a speech will be prepared.</p> <p>Councillors to attend event as representatives of the City.</p> <p>Speeches will be approved by the CEO.</p>
No	<p>If a Councillor is attending an event in their own right (whether or not the Mayor attends) no speech will be prepared.</p> <p>Council resources or publicity assistance provided for functions or events with the purpose of electioneering.</p>