

Councillors as Candidates in a State or Federal Election Policy

Date adopted	27 May 2024
Adopted by	Council
Review due	May 2027
Responsible officer	Head of Governance
Records reference	10242469

1. Purpose

The purpose of this Policy is to outline Council's position in relation to a Councillor nominating as a candidate in a State or Federal election.

This Policy has been developed to provide guidance to Councillors to assist them in avoiding the appearance that their position as a Councillor is being used as a platform for their candidacy in the relevant State or Federal election.

2. Application And Scope

This Policy applies to all Councillors.

3. General Provisions

3.1. Councillors to declare their candidacy in an election

A Councillor who becomes a Nominated Candidate must provide written advice to the Chief Executive Officer (CEO) and Mayor (or Deputy Mayor if the Councillor is the Mayor), of their candidacy as soon as practicable following their nomination. The CEO will then advise all Councillors, and the Executive Leadership Team of the candidacy.

The Councillor must declare their candidacy at a meeting of the Council as soon as practicable after notifying the CEO and Mayor (or Deputy Mayor) as above.

3.2. Leave of absence

During a State or Federal Government Election Period, it is recommended that a Councillor running as a candidate apply for leave of absence from the Council. This leave of absence should commence no later than the first day of the relevant Election Period and conclude no earlier than the close of voting for the Election. It is recommended that the Councillor not receive his or her allowance during this time. If a Councillor elects to continue to receive their allowance during this time, it will be highlighted in the Councillor Expenses on Council's website.

Such a leave of absence is to be sought in accordance with the processes ordinarily adopted by Council.

Whilst taking a Leave of Absence the Councillor must not attend Council Meetings, Briefing Sessions, any Advisory Committee meetings or otherwise act as a Councillor. The Councillor will also not be provided with any Agendas in relation to any Meetings, Briefings and Committee meetings.

In this circumstance that the Mayor or Deputy Mayor become a candidate in an election, the Council must appoint one of the other Councillors to be the Acting Mayor or Deputy Mayor, with the Deputy Mayor (if any at the time) given the first right of refusal to become the Acting Mayor during the then current Mayor's leave of absence. If the Deputy Mayor assumes the role of Acting Mayor, the Council will also vote as to whether elect an Acting Deputy Mayor.

Any election of the Mayor or Deputy Mayor shall occur in accordance with Council's Governance Rules with the exception that the appointment of shall last only as long as the Mayor or Deputy Mayor's Leave of Absence.

3.3. Successful Election

If successfully elected to another level of government, a Councillor will no longer be qualified to be a Councillor according to S34(2)(a) of the *Local Government Act 2020*

If the Councillor successfully elected to another level of government is the Mayor or Deputy Mayor an election to appoint a new Mayor or Deputy Mayor will take place at the next Scheduled Meeting of Council.

3.4. Council Resources and Activities

A Councillor must not use Council resources, including but not limited to, Council equipment and facilities, in relation to their election candidacy.

This includes not using equipment including (but not limited to) computer equipment, printers and printer ink, vehicles, telephones, mobile phones, logos, paper, letterhead and other stationary, Council email addresses, mail, and publications in relation to their candidacy.

Council resources, including office or meeting facilities, support staff, hospitality services, equipment, stationery, printing, photographs/graphics/videos, and branding are not to be used by a Councillor during their Leave of Absence or in any manner that may be construed as supporting their candidacy.

Equipment and facilities such as phones, laptops, printers, etc., provided to Councillors for the purpose of conducting normal Council business are not to be used by a Councillor during their Leave of Absence or in any manner that may be construed as supporting their candidacy. Where it is impractical for Councillors to discontinue their use of these facilities during the election period, Councillors will reimburse Council for the usage of those services in accordance with Council's Expenses Policy.

Council email addresses, facsimile numbers and telephone numbers are not to be used as contact points by a Councillor during their Leave of Absence or in any manner that may be construed as supporting their candidacy.

3.5. Media Protocol

Where a Councillor nominated for election speaks on Council issues, the Councillor must clearly identify the fact that they are speaking as a candidate and not in the role of Councillor.

No media advice or assistance will be provided to Councillors nominated in an election.

Consistent with Council's Media Policy, media and external communications issued by Council are not to be used for political advantage by Councillors.

Media releases will not refer to Councillors in their capacity as election candidates.

Councillors will not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor nominated in an election.

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

3.6. Misuse of Position

A Councillor must take care to differentiate between their role as a candidate in an election and their role as a Councillor when making public comments or attending events.

A Councillor must at all times avoid campaigning on (whether by opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position.

Councillors must be mindful of their responsibilities in relation to improper conduct under the Local Government Act 2020 (the Act).

In accordance with Sections 123 and 124 of the Act a Councillor will not intentionally misuse or intentionally direct, or seek to direct, a member of Council staff. A breach of either section attracts serious penalties including possible imprisonment.

Councillors must also comply with the obligations in relation to confidential information under section 125 under the Act.

4. Definitions

Term	Definition
The Act	means the <i>Local Government Act 2020</i> .
Nominated Candidate	a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.
Council	means the Melton City Council.
Election	a Victorian State election or a Federal election or a by-election for either parliament.
Election Period	the period commencing on the day a Councillor nominates as a candidate for election and concluding at the close of voting on election day.

5. Related Documents

Name	Location
Local Government Act 2020	https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020
Councillor Code of Conduct	Documents Reports Strategies Melton City Council
Governance Rules	Documents Reports Strategies Melton City Council
Media Policy	Documents Reports Strategies Melton City Council

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