

# **GREATER SHEPPARTON CITY COUNCIL COUNCILLORS AS CANDIDATES IN STATE OR FEDERAL ELECTIONS POLICY**



**COUNCILLORS AS CANDIDATES IN STATE OR FEDERAL ELECTIONS POLICY**

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Business Unit:	Corporate Governance
Responsible Officer:	Team Leader Governance
Approved By:	Chief Executive Officer
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## PURPOSE

This policy defines a Councillor's obligations when standing as a candidate in state or federal elections. It ensures good governance is practised by all Councillors and officers.

## OBJECTIVE

This policy assists Councillors who are candidates for state and federal elections by providing guidance that ensures the separation of the dual roles of Councillor and candidate to prevent improper use of the Councillor's position or Council resources to support the candidacy.

## SCOPE

This policy applies to Councillors who are candidates in state or federal elections, all other Councillors and officers of Greater Shepparton City Council.

## DEFINITIONS

Reference term	Definition
Election	the Federal or State election, or a by-election for either parliament.
Formal nomination date	the date set by the relevant electoral commission on which nominations to be a candidate in the election close.
Endorsed Candidate	a Councillor who has been endorsed or pre-selected as a candidate by a political party or who, if not a member of a political party, has announced their intention to nominate as a candidate in a future State or Federal election.
Candidate	a Councillor who has nominated to run in a State or Federal election
Prospective Candidate	a Councillor who has indicated their intention to nominate for an upcoming election.

## **POLICY**

Councillors who are candidates or endorsed candidates for state or federal elections are expected to ensure that their dual roles of candidate and Councillor are maintained separately, and there is no improper use of the Councillor's position or Council resources to support their candidacy.

Councillors standing as candidates for state and federal elections must ensure that they continue to comply with the requirements of the Local Government Act 2020 (Act) during the election period.

The following applies to all Councillors who have or are considering nomination as a candidate for a state or federal election.

### **1. Councillor to Declare Candidacy in an Election**

A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then provide written advice to all councillors.

A Councillor who is a Prospective Candidate, should declare their intended candidacy at a meeting of the council as soon as practicable after notifying the CEO.

### **2. Candidates encouraged to take a leave of absence from Council**

In order to allow transparency and achieve clear separation in roles, Councillors who have nominated as candidates for state and federal elections are encouraged to take a leave of absence during the election period.

This leave of absence should commence no later than the date of their nomination as a candidate, with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election.

During this period, a councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should consider this as a reasonable request and approve that application.

All Councillors (including when on a leave of absence) must meet their obligations under section 134 of the Local Government Act 2020, with regards to the lodging of a biannual personal interests return with the Chief Executive Officer containing the matters prescribed by the regulations twice yearly.

### **3. Personal Interest Returns**

In lodging a biannual personal interests return with the Chief Executive Officer, Councillors must declare all gifts in accordance with section 9(k) of the Local Government (Governance and Integrity) Regulation 2020.

### **4. Conflicting roles**

Candidates (including prospective candidates) must ensure they do not act in matters where they have a conflict of roles due to being both a Councillor and a candidate.

A Councillor who is a Prospective or Nominated Candidate, should take care to differentiate between their role as a state or federal election candidate and role as a councillor when making public comment.

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

## 5. Improper Use of Position by Councillors

Sections 123 of the Local Government Act 2020, prohibit Councillors from misusing their position of Councillor. A breach of section 123 attracts serious penalties, including possible imprisonment.

Intentional misuse of the position of a Councillor includes the following

- (a) making improper use of information acquired as a result of the position the person held or holds; or
- (b) disclosing information that is confidential information; or
- (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- (e) using public funds or resources in a manner that is improper or unauthorised; or
- (f) participating in a decision on a matter in which the person has a conflict of interest.

## 6. Council Resources – Use by Councillors

Council resources must not be used in connection with an election campaign.

Council equipment such as, mobile phones, iPads and computers, must be used predominantly for the transaction of Council and must not be used in connection with an election campaign.

Official Council photographs must not be used in connection with an election campaign.

If a Councillor standing as candidate takes a leave of absence, they are encouraged to return all Council issued items such as computers, tablets and mobile phones during their period of leave. These items will be returned to the Councillor at the conclusion of their leave of absence.

## 7. Conflict of Interest

A Councillor who standing as a candidate, should take care to declare conflicts of interest that may pertain to their conflicting role as a Councillor.

Candidates must comply with the Conflict of Interest Policy.

## 8. Functions and Events

Unless they have taken a leave of absence, a Councillor who is standing as candidate, may continue to attend functions and events, however, they must not use council activities, including council meetings, events, network meetings and Council related external activities in relation to their candidacy.

Speeches will continue to be prepared for the Mayor's official functions and, if requested, speeches will be distributed to the media at the discretion of the CEO.

During this time Councillors who are candidates will not be allocated roles that could conflict with their candidacy for example, the Mayor will not delegate any of their responsibilities to represent Council, to any Councillor who is standing as a candidate.

## 9. Social Media

Council does not establish, endorse or support social media accounts of individual Councillors.

## **10. Media Advice and Releases**

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

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

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing for election.

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

## **11. Advocacy by Council**

It is recognised that the community expects that Council will advocate prior to a state or federal election for actions and projects for the benefit of the Greater Shepparton City Council region.

In undertaking advocacy, Council will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Greater Shepparton City Council region.

## **12. Councillor/Officer Protocols**

Established communication protocols will continue to apply and the CEO will consider if any additional provisions are required.

## **13. Mayor's Candidacy**

The Mayor is encouraged to temporarily relinquish their position as Mayor for the duration of any state or federal election period, in which they are a candidate.

Where the Mayor stands down in this way, Council will appoint a temporary Acting Mayor in accordance with its Governance Rules until the Mayor returns from the leave of absence or resigns as a Councillor due to being successfully elected.

Where the Mayor does not stand down or take a leave of absence, they must take additional care to maintain a clear distinction between the roles of Mayor and candidate, preserve the independence of the Mayoral role and ensure it is not politicised. In such circumstances it will be necessary to consider the Mayor's public profile, particularly in relation to communication and publicity, to keep this to a minimum during any such election period.

## **14. Other Council Policies**

Councillors must continue to adhere to Council's Code of Conduct and Council policies whilst standing as a candidate. This includes during a leave of absence.

## **15. Councillor must immediately resign if elected**

Candidates are required to resign from Council if they are successfully elected into state or federal parliament in accordance with section 34(2)(a) of the Local Government Act 2020. This requirement occurs immediately following the announcement of the election result, at which point they become a member of parliament and are therefore incapable of continuing as a Councillor.

## **RELATED POLICIES AND PROCEDURES**

- Councillor Code of Conduct
- Conflict of Interest Policy
- Councillor Resources and Facilities Policy
- Councillor Expenses Policy
- Councillor Gift Policy
- Fraud and Corruption Control Policy
- Freedom of Information Policy

## **RELATED LEGISLATION**

- Local Government Act 2020
- Local Government (Governance & Integrity) Regulation 2020

## **REVIEW**

The Councillors as Candidates in State or Federal Elections Policy is to be reviewed by the Team Leader Governance at least every four year. Any suggested changes will be presented to the Executive Leadership Team and Council for consideration.