



GREATER SHEPPARTON CITY COUNCIL

ELECTION PERIOD POLICY

Effective: 23 July 2024



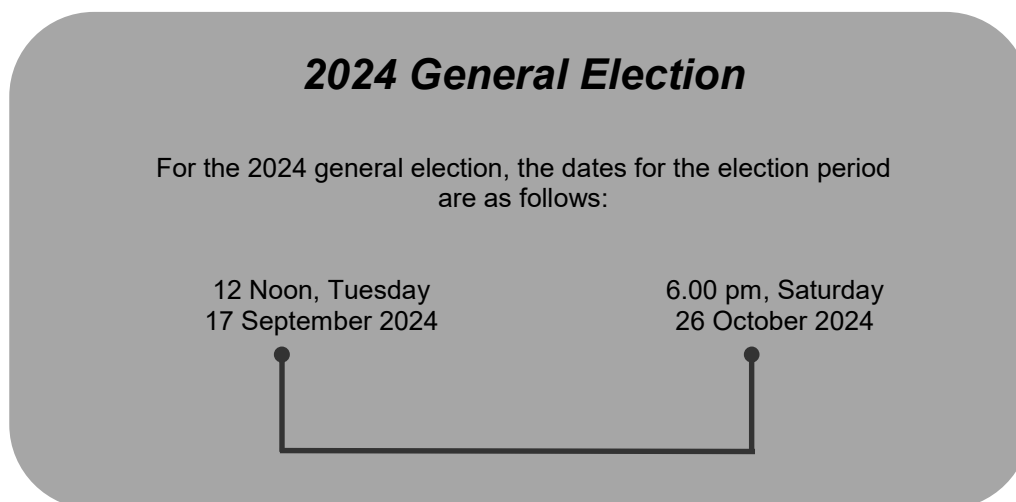
ELECTION PERIOD POLICY

Version:	2
Business Unit:	Corporate Services
Responsible Officer:	Team Leader Governance
Adopted By:	Council on 23 July 2024
Next Review:	Within 12 months prior to a General Election

1. PURPOSE

Greater Shepparton City Council (Council) is committed to implementing clear and transparent caretaker provisions during election periods. This Policy will apply to the election period prior to a general election or by-election. The Chief Executive Officer (CEO) or the Governance team will advise all Councillors and staff of the commencement date for any election period applying to Council. The election period commences at noon on the last day for nominations and ends at 6.00pm on Election Day.

Example below



2. OBJECTIVE

The will of the people, expressed through democratic elections, is the cornerstone of democracy at all levels of government, including local government. A guiding principle of the exercising of this free will is that outgoing governments must safeguard the authority of incoming governments. This principle is applied through the implementation of an election period prior to an election. During an election period, an outgoing government shall not make any decisions which could be considered to unreasonably bind an incoming government.

Unlike other levels of government in Australia, where election period provisions are established by convention rather than law, the *Local Government Act 2020 (the Act)* requires councils to comply with special arrangements during council elections to ensure the probity of the election process. These include statutory requirements relating to decision-making and the use of council resources.

While these statutory requirements establish limits on what a council may and may not do, they represent the minimum provisions which a Council must apply and they do not address the ways in which a Council could or should modify its usual actions and processes during an election period.

3. SCOPE

This Policy details the electoral material provisions which are to be followed by all Councillors and Council Officers during an election period. Councillors and Council Officers need to be aware that severe penalties apply to breaches of the Act during the election period. Familiarity and compliance with the provisions detailed in this Policy will significantly reduce the risk of an unintentional breach of the Act and give the community confidence that Council is acting in an ethical manner during the election period.

4. DEFINITIONS

Reference Term	Definition
Council:	Greater Shepparton City Council and the services it provides, including but not limited to Riverlinks, Aquamoves, KidsTown, Childcare Centres and the Visitor Information Centre.
Election period:	The 39-day period which starts at 12 noon on the last day for nominations and ends at 6.00pm on election day.
Election material:	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter:	Material which is intended or likely to affect voting in an election, such as: <ul style="list-style-type: none"> • the views, strengths or weaknesses of any candidate; • advocacy of the policies of Council or of a candidate; • claims made by a candidate and/or responses to such claims; and • the achievements of Council, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
Emergency:	As defined in the <i>Emergency Management Act 2013</i> .
Meeting	A properly constituted meeting of Council, a Delegated Committee or a Community Asset Committee.
Prohibited decision:	Any decision of Council by resolution or under delegation: <ul style="list-style-type: none"> • relating to the employment or remuneration of the Chief Executive Officer, other than the appointment or remuneration of an acting Chief Executive Officer; • to commit Council to expenditure exceeding 1% of Council's income from general rates, municipal charges and service rates and charges for the preceding financial year; • that Council considers could be reasonably deferred until after the election; or • that Council considers should not be made during the election period.

Publication:	Includes any: <ul style="list-style-type: none"> • advertisement (including job, television and radio advertisements), • pamphlet, newsletter, handbill, bulk letter or email with more than 20 addressees • press release • social media post on a Council site, or as a Council representative on any other site • website change • report • master plan • submission to external bodies which will be made public • notice or similar type document, whether in electronic or hard copy format.
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5. POLICY

5.1 Decision Making

During an election period, Council will not make any prohibited decisions.

During the election period, all agendas prepared for Meetings will be vetted by the CEO to ensure they do not contain matters which may lead to a prohibited decision being made. The following statement will be applied to agendas and minutes prepared during the election period:

The [##recommendations/resolutions] contained within [##this agenda/these minutes] are not prohibited decisions, as defined in either section 69(2) of the *Local Government Act 2020* or Council's Election Period Policy.

5.1.1 Notices of Motion

Notices of Motions are not accepted during the election period. It is also recommended that Councillors avoid raising items of Urgent Business during the election period.

5.1.2 Public Question Time

Public Question Time will not occur at Council Meetings held during the election period.

Any questions received during the

election period will be deferred to the next Scheduled Council Meeting.

5.1.3 Meetings of Delegated Committees and Community Asset Committees

Meetings of Delegated Committees and Community Asset Committees will not be held during the election period, unless they cannot reasonably be deferred until after the election. Where a Meeting of a Delegated Committee or Community Asset Committee cannot reasonably be deferred until after the election, the CEO will ensure that the relevant agenda contains only those matters which must be determined before the election and does not call for a prohibited decision to be made.

5.1.4 Community Grants and Sponsorship

Council will continue to receive and accept applications for grants and sponsorship during the election period, however, decisions on such applications will be deferred until after the election.

There will be no public promotion of any new funding streams during the election period. If public promotion commenced prior to the election period, it will continue during the election period, although Councillors will not be associated with any public promotion activities.

5.2 Council Publications

The only publications which will be published during the election period will be those that:

- are considered by the CEO or Director Corporate Services to be necessary and appropriate for the continuity of Council operations; and
- the CEO or Director Corporate Services is satisfied do not contain electoral matter.

5.2.1 Council Publications Including Councillor Information

Council will avoid the release of any publications during the election period which refer to Councillors, other than references appearing in minutes of Meetings.

No publications containing references to Councillors which constitute electoral matter will be released during the election period.

5.2.2 Existing Publications

The CEO or Director Corporate Services will review categories of publications which are publicly available at the commencement of the election period with a view to removing those publications which contain electoral matter relating to Councillors. Publications which are, or material which is, displayed at Council premises and assessed as containing electoral matter will be temporarily removed from display. Any material removed may still be provided to members of the community upon request.

5.2.3 Annual Report

If an Annual Report must be published by Council during the election period, the CEO will ensure that it does not contain any electoral matter.

The Mayor's message may still be included in the Annual Report during an election year, however, the content of the Mayor's message must be limited to factual statements on Council's achievements as a whole, and must not contain any personal views, opinions or special achievements of the Mayor or Councillors.

Information in the Annual Report referring to specific Councillors will be limited to names, titles, contact details, memberships of Delegated Committees and Community Asset Committees and other bodies to which they have been appointed by, and as a representative of, Council.

5.3 Council Website

Material which is already on Council's website at the commencement of the election period will generally remain, except that:

- Councillor profiles, other than Councillor contact details; and
- any information prominently displayed which is assessed by the CEO or Director Corporate Services as electoral matter,

will be removed.

A statement will be published on all Council websites advising that limited information (in compliance with this section) will be published on Council websites until after the election.

5.3.1 Internal Publications and Intranet

The publication of internal newsletters and intranet information, including instructions for the election period, policy and procedure, is permitted and will continue as normal during an election period. The promotion of Councillors, candidates or political parties in internal publications is not permitted.

5.4 Community Engagement and Public Consultation

Council will only conduct such community engagement and public consultation during the election period that is required by law, such as consultation required by:

- the *Planning and Environment Act 1987*; and
- the *Local Government Act 2020*; and
- *section 223 of the Local Government Act 1989*.

Consultation on major strategy or policy issues, or that which invites submissions, will not occur, or, if already commenced, will be suspended, during the election period.

5.5 Small Town Catch Ups / Community Information Sessions

Council will not schedule any 'Mayor and CEO Small Town Catch Ups' during the election period.

Where community information sessions are required and cannot be postponed, only Council Officers will be in attendance.

5.6 Media

Council will not broadcast or participate in any regular television or radio program or publish its regular newspaper or newsletter updates during the election period.

The following exceptions may be applied by the CEO or Director Corporate Services:

- advertising commissioned and approved by the election manager, for the purpose of informing electors about the election process;

- advertising critical to Council business, to the extent that it cannot be promoted prior to the commencement of the election period, or cannot reasonably be postponed, and does not contain election material; and
- as required and approved by the CEO or Director Corporate Services in response to an emergency.

All advertising, apart from that commissioned by the election manager, must be approved by the CEO or Director Corporate Services.

5.6.1 Media Interviews

Councillors will not participate in media interviews in their capacity as a Councillor during the election period.

Councillors may participate in media interviews in their capacity as a candidate or a private citizen, but must take care to advise the media that they are speaking to them as an individual and not on behalf of Council, or in their capacity as a Councillor. This disclaimer must be made even when a Councillor believes that a media interview will not be published or broadcast as part of the interview or story.

Council Officers may only participate in media interviews during the election period on operational matters and with the permission of the CEO or Director Corporate Services.

All media interviews are to be coordinated by Council's Marketing and Communications Team.

5.7 Public Notices and Advertising

Regular advertising, including tenders and public notices, will be postponed until after, or suspended during, the election period where possible.

The CEO or Director Corporate Services may authorise the publishing of some public notices after having regard to the following matters:

- whether the notice is required by legislation;
- whether the matter can reasonably be deferred until after the election period; and
- whether the advertisement contains any electoral matter.

Advertising for the purpose of recruitment is permitted during the election period.

5.8 Social Media

Councillors and Council Officers will not engage in social media in their capacity as Councillors and Council Officers during the election period, except with the prior approval of the CEO or Director Corporate Services.

Councillors will not publish comments to official Council social media sites during the election period.

To the extent that it is technically possible to do so, all Council social media sites will be disabled for external comments during the election period, to prevent the publication of electoral matter.

During the election period, Council Officers are expected not to engage with Councillors or candidates via social media, including 'liking' or 'commenting' on posts.

5.9 Council Resources

Councillors and Council Officers will not use any Council resources in a way that is intended, or is likely, to affect the result of an election.

During the election period, Councillors will not use Council resources for a purpose other than Council business. Council resources include, but are not limited to:

- staff time;
- Council property (including meeting rooms and the Councillors' Suite);
- Council vehicles (including access to Pool vehicles and use of Mayoral vehicle)
- Council-provided equipment (including mobile phones, tablets, computers, internet data and email accounts); and
- Council stationery (including Council nametags, business cards and photographs).

The use of Council resources is generally governed by the *Councillor Resources and Facilities Policy*. This Policy is varied during the election period as follows:

- Councillors will not attend conferences, functions or events in their capacity as a Councillor except when officially invited to do so as the representative of Council;
- Councillors will not undertake any professional development training in their capacity as a Councillor;
- Councillors who wish to use email for election purposes must use a private email address.

5.10 Events and Speeches

Regular public events which are part of the normal operations of Council will continue during the election period. Additional events, particularly events which would require Councillor involvement, will only be scheduled with the approval and at the sole discretion of the CEO. The scheduling of additional events that require the involvement of Councillors during the election period will be avoided where possible.

Councillors participating in Council events during the election period as representatives of Council will not use the events for private electioneering. Material published or disseminated during the election period to promote a function or event will not promote individual Councillors.

Where a Councillor is required to deliver a speech at a function or event during the election period, Council Officers are to prepare the speech and the CEO is to confirm that it contains no electoral matter before it is provided to the Councillor.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

5.11 Correspondence

Routine letters and emails that are part of normal Council business are not to be affected by election processes, however, Council Officers, equipment and stationery must not be used for Councillor correspondence to the extent that it might relate to the election. This includes, but is not limited to:

- letters with multiple addressees that are prepared by Council Officers, printed on or using Council resources or issued on behalf of Council;
- letters dealing with electoral matters for Councillors; and
- letters and emails that do not form part of general correspondence, which may be evidenced by the 'bulk' nature of such letters and emails.

5.12 Use of the Title "Councillor"

Councillors may use the title "Councillor" in their own election material, as they continue to hold their positions during the election period. To avoid any confusion, however, Councillors must ensure that their election publications are clearly seen to be their own material and not to represent the Council. Councillors will not use the Council logo or any facsimile or derivation of the Council logo on their election material.

5.13 Dispute Resolution

Council will not undertake a dispute resolution procedure under the Councillor Code of Conduct during the election period.

Any dispute resolution procedures which had commenced, but were not yet resolved, prior to the election period will be placed on hold. If re-elected, the Councillors involved may resume the dispute resolution processes once they have formally resumed their position as Councillors.

5.14 Equitable Distribution of Information

Where access to information has been requested by registered candidates during the election period, the matter will be referred to the Governance team to determine whether or not it is appropriate to provide such information.

If approved, the information will be provided to the candidate and also maintained in a register (the Candidate Information Register) which will be made available for inspection by any other candidate upon request.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. This information is not subject to being recorded in the Candidate Information Register as outlined above.

5.15 Conduct of Council Officers

Council Officers are discouraged from promoting any potential candidate during the election period.

Neither the CEO nor any Council Officer can be asked, offer or agree to undertake any tasks connected directly or indirectly with electioneering.

6. RELATED POLICIES AND DOCUMENTS

- *Councillor Expenses Policy*
- *Councillor Resources and Facilities Policy*
- *Public Transparency Policy*
- *Conflict of Interest Policy*
- *Councillor Code of Conduct*

7. RELATED LEGISLATION

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

8. REVIEW

This policy is to be reviewed by the Team Leader Governance within twelve months prior to a general election.

9. ATTACHMENTS

- *Guidelines for the Placement of Signs - Electoral – M24/71282*

DOCUMENT REVISIONS

Version #	Summary of Changes	Date Adopted
1.1	21 August 2016	21 August 2016
1.2	17 September 2016	17 September 2016
1.3	18 August 2020	18 August 2020
2	Minor formatting changes and inclusion of Guidelines for the Placement of Electoral Signs	23 July 2024

GUIDELINES FOR THE PLACEMENT OF SIGNS - ELECTORAL

GREATER SHEPPARTON CITY COUNCIL – COUNCIL ELECTION, 26 OCTOBER 2024

The following guidelines are provided for the placement of electoral signs within the Greater Shepparton City Council.

WHERE SIGNS CAN BE PLACED

PRIVATE LAND

Electoral signs can be placed on or affixed to private property provided the property owner's permission is obtained and the following requirements are observed:

- A sign with an advertisement area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes.
- Only one sign per candidate may be displayed on the land, it must not be an animated or internally-illuminated sign.
- The electoral sign must not be displayed longer than 3 months or more than 14 days after the election (9 November 2024), whichever is sooner.
- A sign publicising a local political event may include information about a candidate for an election.

Where an existing sign is in place. An existing promotion sign such as an electronic major promotion sign could be used to display the signage.

This is on the basis the signage has a planning permit and/or existing use rights. It is recommended you check with the Building, Planning and Compliance Department prior to displaying the signage to confirm.

Signs not compliant with these requirements are subject to a planning permit.

MOBILE SIGNAGE

Signage on vehicles, trailers and/or caravans are allowed subject to compliance with the Road Management Act 2004, road safety rules and regulations. The parking of vehicles with political signage must comply with all road rules and regulations including any applicable time limit for the area.

WHERE SIGNS CANNOT BE PLACED

COUNCIL LAND/RESERVES/ROADS/PROPERTY

Electoral signs are not permitted on roads, on municipal buildings, bushland or recreation reserves or Council land, including trees and any structures such as bus shelters, and light poles within road reserves.

No electoral signs, apart from simple directional signage, is able to be displayed in the common public areas of a Council facility being hired.

Definitions are overleaf, however in general terms no electoral advertising is permitted on roads, footpaths, parkland (reserves) or Council property (buildings).

The following conditions apply to the placing of electoral signage and distribution of electoral material in accordance with Greater Shepparton City Council's Local Law No.1 – Community Living 2018 (Clauses 3.6, 4.3, 4.5, 11.2 and 11.3) and Election Period Policy, the Environment Protection Act 2017 (Litter Section), the Greater Shepparton Planning Scheme and Council's General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy.

The Environment Protection Act 2017 (Litter section) prohibits the placing of any form of advertising on the windscreens of vehicles anywhere (public or private land) Banners, flags are also prohibited and are not to be attached to any fixtures located on any of the roads or reserves as in (1).

No distribution of handbills is permitted without a permit.

A person must not, without a permit, give out or distribute to by-standers to passers-by on any road or Council land, any handbills, placards, notices, advertisements, books, papers or pamphlets.

AUTHORISATION OF ELECTORAL MATERIAL

The Victorian Electoral Commission (VEC) provides guidance on authorisation requirements for electoral communications that relate to a council election. Refer to the Electoral Advertising and Campaign Material guide issued by the VEC for further information.

REMOVAL OF SIGNS

Candidates are encouraged to comply with the above guidelines, as any electoral sign placed in a manner contrary to legislation or Council's local law will be impounded by Council Authorised Officers without reference to the candidate.

Release fees and infringement notices may also be applied.

If you have any queries in relation to this matter, please do not hesitate to contact Local Laws on 5832 9730.

GREATER SHEPPARTON CITY COUNCIL'S LOCAL LAW NO.1 – COMMUNITY LIVING 2018

DEFINITIONS:

any Council Land	“Council Land” means any land, owned or vested in, or under the control or management of the Council excluding a Road, but including a municipal reserve or other reservation, watercourse, foreshore reserve, jetty, pontoon or boat ramp, and includes any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.
any Road	“Road” means, a street, road, highway, lane, bridge, thoroughfare or other place open to or used by the public for passage with vehicles, and includes every public car-park, bus shelter, carriageway, footpath, traffic island, street, gutter, drain and nature strip, and includes a mall but does not include a private road, right of way, passage or driveway which is not open to the public.
any Reserve	“Reserve” means any land, water, waterway or water course either owned by or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places including any waterway, but excludes a Road.
any Council Asset	“Council Asset” means any building, structure, fixture, road, channel, drain, vehicle crossing or infrastructure or other physical asset owned, leased, managed or controlled by Council and includes any Council asset described in clause 3.7.

RELEVANT CLAUSES TO COMMUNITY LIVING 2018 LOCAL LAW

3.6 Storage of Private Property on Roads

A person must not, without a permit, store or abandon any chattels, plant, equipment, wood or vehicles on any part of a road or public place (2 penalty units).

3.7 Damage to Council Land

A person must not, without a permit, or otherwise in accordance with this Local Law, deface, damage, remove or interfere with any Council asset, including

- (a) trees, shrubs or other vegetation;
- (b) waste and recycling receptacles;
- (c) signs and their supporting structures;
- (d) drains and culverts;
- (e) road guide posts;
- (f) parking meters or similar devices;
- (g) fences and gates;
- (h) buildings;
- (i) monuments;
- (j) garden beds;
- (k) water or power supply systems;
- (l) security devices;
- (m) footpaths, kerbing and channels;
- (n) water features;
- (o) public art or art works on public display; or
- (p) Council property not belonging to any defined class.

4.3 Display on Council Land

A person must not, without a permit, place or cause to be placed on a road or Council land any structure, sign, table, chair or goods for display (2 penalty units).

4.5 Distribution of Handbills

A person must not, without a permit, give out or distribute to by-standers or passers-by on any road or Council land, any handbills, placards, notices, advertisements, books, papers or pamphlets (2 penalty units).

11.2 Powers of Authorised Officers

An authorised officer, on becoming aware of a situation or activity which breaches this Local Law or may be reasonably suspected to breach this Local Law, may:

- (a) give a verbal or written direction to do such things as are necessary to remedy that situation and/or cease the activity;
- (b) issue a Notice to Comply;
- (c) issue an infringement notice; and/or
- (d) commence a prosecution.

11.3 Directive powers

A person who fails to comply with a verbal or written direction by an authorised officer to remedy a situation or cease an activity which is contrary to this Local Law is guilty of an offence (2 penalty units).