

THE CITY OF
GREATER GEELONG

ELECTION PERIOD POLICY

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Introduction

PURPOSE

The purpose of the policy is to ensure transparency and accountability during the election process.

To comply with sections 60 and 69 of the *Local Government Act 2020* (the Act).

SCOPE

This policy applies to Councillors, candidates where appropriate, members of Delegated Committees, Community Asset Committees or Advisory Committees and City staff for general and by-elections.

The provisions in this policy apply throughout the Election Period unless otherwise stated.

Definitions

This section defines the key terms used in this policy.

ACT

The *Local Government (Vic) 2020*.

ADVISORY COMMITTEE

Means an advisory committee established by the Council that is not a Delegated Committee or a Community Asset Committee.

CEO

The Chief Executive Officer of the City.

CITY

The City of Greater Geelong organisation, led by the CEO.

COMMUNITY ASSET COMMITTEE

A Community Asset Committee is a committee established under section 65 of the Act.

COUNCIL

The City of Greater Geelong Council comprised of elected councillors and led by the Mayor.

COUNCIL EVENTS

Gatherings of internal and external stakeholders organised and run by the City to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue, which is of relevance to the Council and its community including those which may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

COUNCIL LAND

Council Land means any land 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.

COUNCILLOR DUTIES

Councillor Duties include a councillor attending:

- a. Council Meetings or Committees of Council;
- b. Formal briefing sessions and planning forums;
- c. Civic or ceremonial functions convened by the Council or presided over by the Mayor;
- d. Meetings scheduled by the Council or Mayor;
- e. A meeting, function or other official role as a representative of the Council or Mayor;

- f. Attendance at site inspections in relation to a Council approval process or Council project;
- g. Meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate / representative; and
- h. Conferences, study tours, official visits (domestic and overseas), seminars and training sessions as a councillor where attendance has been approved by Council or in accordance with the Councillors' Expenses and Facilities Policy.

DELEGATED COMMITTEE

A Delegated Committee is a committee of Council established under section 63 of the Act.

DOCUMENT

As defined in section 38 of the *Interpretation of Legislation Act 1984*, document includes, in addition to a document in writing:

- a. any book, map, plan, graph or drawing;
- b. any photograph;
- c. any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;
- d. any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- e. any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.

ELECTIONEERING

Any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.

ELECTION DAY

The day of the election determined under section 257 or 260 of the Act.

ELECTORAL MATTER

A matter which is intended or likely to affect voting in an election and includes matter that contains an express or implied reference to, or comment on the election, a candidate in the election or an issues submitted to, or otherwise before, the voters in connection with the election. It does not include electoral material published by the Election Manager for purposes of conducting the election.

ELECTION PERIOD

The period that:

- a. starts at the time that nominations close on nomination day; and
- b. ends at 6 p.m. on election day.

Commonly referred to as Caretaker period.

EXTRAORDINARY CIRCUMSTANCES

Where a decision:

- a. is urgent;
- b. cannot reasonably be deferred without major consequence to the City of Greater Geelong; and/or
- c. relates to the completion of projects or initiatives that have already been endorsed by the Council, including but not limited to projects or initiatives made pursuant to the Budget, Council Plan or Business Plan.

MEETING

Meeting means a meeting of Council or a Delegated Committee.

MISINFORMATION

Is information that is incorrect or misleading. This is determined using factual data that demonstrates that what is being claimed is untrue.

PROHIBITED DECISIONS

Section 69(2) of the Act prohibits any Council decision during the election period that:

- a. relates to the appointment or remuneration of a Chief Executive Officer (CEO) but not to the appointment or remuneration of an Acting CEO; or
- b. commits the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c. the Council considers could be reasonably deferred until the next council is in place; or
- d. the Council considers should not be made during an election period.

This includes any decision that enables the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at an election s 69(3).

PUBLIC QUESTION AND SUBMISSION TIME

The period of time allowed for in a Council meeting that is open to the public during which Council takes questions and information submitted by the public relevant to Council actions and decisions.

PUBLISH

Publish means publishing by any means, whether in hard copy or electronically, including publication on the internet.

VEC

VEC means the Victorian Electoral Commission.

Policy

COUNCILLOR TO FULFIL DUTIES DURING ELECTION PERIOD

Councillors:

- a. will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
- b. will continue to engage, and communicate with, the community in their Councillor role;
- c. must comply with the Act and the Councillor Code of Conduct; and
- d. must not use their position to influence City officers, or access City resources or information, in support of any election campaign or candidacy.

COUNCIL DECISIONS AND MEETINGS DURING THE ELECTION PERIOD

Council decisions include those made by Council, a Delegated Committee, Community Asset Committee, or a person acting under a delegation given by Council.

Council will not consider or make any Prohibited Decisions during the Election Period.

Significant decisions

Council will not consider or make any significant decisions that could or could be perceived to affect voting in the election or unfairly commit the incoming council to a major course of action.

The CEO will endeavour to ensure that significant decisions are scheduled either before or after the Election Period, unless Extraordinary Circumstances exist.

In considering the application of extraordinary circumstances the CEO should consider whether the decision:

- a. is urgent;
- b. relevant to statutory obligations;
- c. would have legal and financial repercussions if deferred;
- d. cannot reasonably be deferred without major consequence to the City of Greater Geelong;
- e. relates to the completion of projects or initiatives that have already been endorsed by the Council, including but not limited to projects or initiatives made pursuant to the Budget, Our Community Plan or Business Plan; and/or
- f. is in the best interests of Council and the community.

Invalid decisions and liability

Any decision of Council is invalid if it is made during the Election Period that:

- a. relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO; and/or
- b. commits the council to expenditure exceeding 1% of council's income.

If a person suffering loss or damage as a result of acting in good faith on one of these decisions, that person is entitled to compensation for the loss or damage suffered.

Business at Council and Delegated Committee Meetings during the Election Period

Council and Delegated Committee meeting papers will be reviewed by the City to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the item as part of their Electioneering.

Matters which may be considered at Council meetings include:

- a. Annual Report; and
- b. Procedural items to complete the Council's term of office, such as Planning Delegations or approvals required for compliance purposes.

Councillors are prohibited from moving motions or raising matters at a Council meeting that could affect voting in the election, or could unfairly commit the incoming council to a major course of action or could have reasonably been made after the election, including notices of motion, urgent items, petitions, rescission motions, reports by councillor delegates and advisory committee reports.

The types of decisions that will not be considered include, but not limited to:

- a. allocating community grants;
- b. allocating direct funding to community organisations;
- c. major planning scheme amendments; and
- d. changes to strategic objectives and strategies in the council plan.

Public question time

There will be no Public Question and Submission Time during the Election Period.

Election period statement in Council reports

Reports submitted to Council or to a Delegated Committee will contain an "Election Period Statement" at the start of the report in the form as follows:

- "The recommended decision is not a Prohibited Decision."

Implementing decisions

Decisions made prior to the Election Period by Council or by a committee or an officer under delegation can be implemented during the Election Period provided that those decisions do not involve community engagement or a Council Event that is likely to run into, or occur during, the Election Period.

Delegated committees

Council has the following Delegated Committees that operate with delegated powers:

- Geelong Major Events Committee; and
- Planning Committee.

Delegated Committees will not meet during the Election Period.

Community Asset Committees and Advisory Committees

Community Asset Committees and Advisory Committees will not meet during the Election Period, with the exception of the Audit and Risk Committee and Chief Executive Officer (CEO) Employment and Remuneration Committee. The CEO Employment and Remuneration Committee is only permitted to meet to deal with the appointment of an Acting CEO.

USE OF CITY RESOURCES

City resources must not be used for Electioneering, other than City facilities that are normally available for hire by the public.

Using City facilities

City facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is to be displayed in the common public areas of a City facility being hired.

Electoral signs on Council land and property

Placement of Electoral Signs apply equally to all candidates and their associated election campaigns at all times, including during the Election Period. They are consistent with Council's Neighbourhood Amenity Local Law 2014 (clauses 46, 70 and 92), the *Environment Protection Act 1970* (Litter Section), the Greater Geelong Planning Scheme and the General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy.

Guidelines for the placement of electoral signs are available on our [website](#).

Councillor resources & expenses

Councillors will continue to have access to the resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

Reimbursement claims for expenses that support or that could be perceived as supporting, or being connected with, a Councillor's election campaign will not be processed by the City.

Councillors may continue to use their councillor title.

City resources

City resources, including offices, administrative staff, meeting facilities not normally available for public hire, hospitality, electronic equipment, vehicles, email addresses and social media handles, databases, mailing lists, photocopying and stationery will be used exclusively for normal City operational business during the Election Period and are not to be utilised for or connected to any election activities.

City logos, letterheads, photographs and images or associated City insignias and designs are not to be used or linked in any way to a candidate's election campaign.

City staff

It is critical that the City maintains the confidence of the Council, councillors and the wider community at all times. This requirement is even more important in the period leading up to an election.

For the vast majority of City employees, work will continue as normal during the Election Period. However, some may find themselves in situations where the Election Period could have a bearing on their actions.

It is important for City employees who are engaged in political activities related to the election, to avoid any actual, potential or perceived conflict of interest with their City employment. How they do this will depend on the nature of their employment and the nature of their political activities or associations.

City staff must:

- a. Not use their City role and position to influence the outcome of the election;
- b. Not engage in Electioneering during work time;
- c. Not use City resources for Electioneering;
- d. Not use any official information obtained through their City employment for Electioneering;
- e. Not make any public statement on Council or City activity that they are involved in or connected with as a City employee;
- f. Make it clear when making comments related to the election that they are expressing their own views and not making an official comment;
- g. Take leave from their City employment if nominating as a candidate for the election in order to be able to qualify as a candidate for that election; and
- h. If they are a candidate in the general Council election, resign from City employment immediately upon being declared elected in the general Council election in order to become or continue to be a Councillor of the Council.

COMMUNITY ENGAGEMENT

The City will not commence or continue community engagement except where there is a legal obligation to do so, or the CEO determines that Extraordinary Circumstances exist which warrant continuing. If this is the case, the Council must, by resolution, justify to the community the Extraordinary Circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

Community engagement activities will not be commissioned or approved if such consultation is likely to run into the Election Period.

Consultative mechanisms

Forums, other community reference group meetings or similar consultative processes are not permitted.

EVENTS

Conducting or promoting events

The City will not conduct or promote Council Events except where there is a legal obligation to do so.

Council meetings and Council Events may be held if they are part of delivering normal services or operational activities of Council and the City e.g. scheduled council meetings and citizenship ceremonies.

Councillor attendance

Councillors may attend events as required by their Councillor Duties, but are not permitted to use these appearances for Electioneering.

Councillors must not speak as an official Council spokesperson at events they attend in relation to their Councillor Duties unless authorised to do so by the CEO.

Speeches prepared for councillors attending events related to their Councillor Duties must be written by City staff and approved by the CEO.

City resources will not be used to prepare speeches, or provide support, for councillors in respect of their attendance at an event that is not required by their Councillor Duties.

PUBLISHED INFORMATION DURING THE ELECTION PERIOD

Publications

The City must not print, Publish or distribute or cause, permit or authorise to be printed, Published or distributed, any advertisement, handbill, pamphlet or notice unless the advertisement, handbill, pamphlet or notice has been authorised by the CEO.

Media releases, statements & publicity

The CEO will be the primary spokesperson for the Council.

City media releases and statements will be authorised and issued in the name of the CEO.

No City-issued media releases will quote or feature Councillors.

Councillors in respect of their Councillor Duties must not make or Publish any public statement that could be interpreted as influencing the election.

City staff must not make or Publish any public statement that could be interpreted as influencing the election.

City communication and marketing activities, other than for the sole purpose of conducting the election process, will be prevented wherever possible.

Delivery of existing City services will continue on a business-as-usual basis, however, there is a prohibition on implementing and promoting new City services.

Where a City communications and marketing activity is considered essential for a City service or function, it must be authorised by the CEO or delegate before publication.

Where a City communications or marketing activity is authorised, that activity must be limited to promoting existing City services.

No communications or media advice or assistance will be provided by the City in relation to Electioneering or election campaign matters.

Publishing Councillor information

Councillor information published in documents and on websites will be restricted to:

- a. names;
- b. photographs;
- c. contact details;
- d. titles; and
- e. membership of delegated committees and other bodies to which they have been appointed by the Council.

Councillor correspondence

Councillor correspondence regarding election matters will not receive responses until after the end of the election period. If a Councillor is not re-elected, then correspondence received for that Councillor during the Election Period will be responded to after the Election Period by the CEO.

Councillor correspondence relating to significant, sensitive or controversial matters will be referred to the CEO for action.

City Website and Social Media

At the start of the Election Period a message will be posted on the City's social media channels and website stating that these channels will have no new content added until after the Election Period unless it relates to existing City services.

No electoral material may be placed on the City's website or social media during the Election Period.

Council meeting agendas and minutes will continue to be published on Council's website.

Comments on the City's social media may be removed at the sole discretion of the CEO during the Election Period if those comments may influence the Election.

INFORMATION ACCESS AND CORRECTION

Information access

Councillors will continue to have access to the information resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

The City will aim to ensure that all candidates have equal access to council information.

Misinformation.

The CEO may authorise the correction of any misinformation during the election period.

Candidate information requests

Candidates must provide requests for council information to the CEO in writing.

Responses to candidate information requests must be authorised by a Director or the CEO.

Council information supplied in response to candidate requests will only consist of publicly available and factual information about current City services.

Council information supplied in response to candidate requests will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected to a candidate's election campaign.

Candidate requests for council information that require significant City resources to be devoted to a response may be refused at the sole discretion of the CEO.

The CEO will maintain an Information Request Register, which will:

- List all candidate requests for information received by the City;
- Summarise the information provided by the City to the candidates in response to requests, including links to requested public documents;
- Record reasons for refusal of candidate council information requests; and
- Be published on the City's website.

All enquiries from candidates about the election process are to be made directly to the VEC Election Manager or, where the matter is outside their responsibilities, to the CEO.

BREACH OF POLICY

Any breach of this policy relating to staff conduct is to be referred to the CEO.

Alleged breaches relating to all other matters are to be referred to the Local Government Inspectorate at email address inspectorate@lgi.vic.gov.au or phone 1800 469 359.

Implementation of this Policy

MONITORING AND REPORTING

The City must have adequate processes in place to monitor this policy and associated procedures to ensure they are accurate, consistent and operating as intended.

ADVICE AND ASSISTANCE

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

A person who is uncertain how to comply with this policy should seek advice from this person or delegate.

The City will provide:

- publication of the policy on the Geelong Australia website;
- a copy of the policy in candidate information packs;
- information about the purpose and requirements of this policy;
- practical guidance on how to comply with this policy, such as procedures that set out the process to be followed; and
- tools and templates to be used.

RECORDS

The City must retain records associated with this policy and its implementation for at least the period shown below.

Record	Retention / Disposal Authority	Retention Period	Location
Information request responses	Retention and Disposal Authority for Records of Common Administrative Functions PROS 07/01 VAR 4	Temporary Destroy 2 years after action completed.	Document Management System

REVIEW

Prior to the next general election or as required.

References

Environment Protection Act 1970

Interpretation of Legislation Act 1984

Local Government Act 2020

Greater Geelong City Council Neighbourhood Amenity Local Law 2014 (under review)

Greater Geelong City Council General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy

Greater Geelong City Council Councillors' Expenses and Facilities Policy

Greater Geelong Planning Scheme

Public Records Office Victoria 2015 Retention and Disposal Authority for Records of Local Government Functions

Public Records Office Victoria 2017 Retention and Disposal Authority for Records of Common Administrative Functions