

Nomination in a State or Federal Election Policy

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RESPONSIBLE EXECUTIVE	General Manager Corporate Services
POLICY OWNER	Manager Governance

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1. Policy Statement

This policy outlines Council's expectations of a Councillor who becomes a *Prospective candidate* and *Nominated candidate* in a State or Federal election.

By complying with this policy, it is expected that Councillors will avoid the appearance that their position as a Councillor is being used as a platform for their campaign in the relevant State or Federal election.

2. Scope

This Policy applies to all Councillors where a Councillor becomes a *Prospect candidate* and *Nominated candidate* to contest a State or Federal seat covering an area located wholly or partly within the municipal boundaries of the City of Kingston.

3. Definitions

Councillors:	individuals holding the office of a member of Kingston City Council
Prospective candidate:	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
Nominated candidate:	a Councillor who nominates as a candidate for a State or Federal election with the relevant electoral commission
Election:	the election, or a by-election for either the Victorian State parliament or Federal parliament

4. Responsible Officer

General Manager Corporate Services

5. Contact Officer

Manager Governance

6. Related Documents

- Local Government Act 1989 (Vic)
- Councillor Code of Conduct, clause 9
- Councillor Support and Reimbursement of Expenses Policy, clauses 8 & 9
- Ward Councillor Meeting Policy, clause 9.8

7. Delegation Authority

Nil.

8. Procedures

8.1. Councillor to declare their candidacy in an election

A Councillor who becomes a *Prospective candidate*, will as soon as practicable, advise the CEO in writing, who will then advise all Councillors in writing.

The CEO will report to Council at the next Ordinary Meeting of Council the fact of the Councillor's intention or nomination.

8.2. Leave of absence

A Councillor who becomes a *Nominated candidate* for a State or Federal election should apply for leave of absence from the Council and 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 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.

8.3. Improper Use of Position by Councillors

Section 76D and 76E of the Local Government Act 1989 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76 D attracts serious penalties, including possible imprisonment.

A Councillor who is a *Prospective or Nominated candidate* for State or Federal election should not participate in any way in the decision-making processes of the Council, where they are campaigning in relation to a matter before the Council. This includes being present at Council Briefings, Ordinary and Special Council Meetings and interacting with council officers on the matter.

A campaign means where a Councillor makes public their views as a *Prospective or Nominated candidate* on a matter before the council (before or after it has been resolved) by way of letters, fliers, social media posts and other communication avenues.

A Councillor who is a *Prospective or Nominated candidate* should at all times avoid campaigning on (opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position

8.4. Council Resources and activities

The same provisions as outlined in the Council's *Election Period Policy* will apply in respect to the Councillor who is a *Prospective or Nominated candidate*; this includes no use of Council resources, including Council equipment, particularly telephones, mobile phones, logos, letterhead, mail and publications in relation to his/her candidacy.

A Councillor, who is a *Prospective or Nominated candidate* should not use Council related activities, including Advisory Committee meetings in relation to his / her candidacy.

Consistent with Council's *Ward Councillor Meeting Policy*, no Ward Councillor Meetings will be held within six months before an *Election* or the latest potential date for a Federal Election.

A Councillor who is a *Prospective or Nominated candidate* will not be permitted to appear in Kingston Your City nor will they be permitted to have a ward column printed in the edition immediately preceding the State or Federal election they are contesting.

8.5. Media Advice

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

Consistent with Council's *Media and External Communications Policy*, Media and External communications issued by Council are not to be used for political advantage by Councillors who are candidates in an *Election*.

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

Councillors will not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing in an *Election*.

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

Where Council's KYC magazine is due to be issued within six weeks of an *Election*, Ward Columns will be held over.

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 the Mayor and Deputy Mayor will not delegate to any Councillor who is standing as a candidate any responsibility to represent him or her.

8.6. Councillor candidates commenting on Council issues

Where a Councillor speaks on Council issues as a candidate in an *Election*, the Councillor should clearly identify this fact.

8.7. Councillor requests

Customer requests escalated from Councillors in their capacity as a candidate rather than a Councillor must be referred to the CEO in writing for action.

9. Decision Guidelines

None

10. Transition/Translation arrangements

Nil

11. Attachments

Nil

12. Administrative Updates

It is recognised that from time to time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such as a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a State or Federal Government department and a minor update to legislation which does not have a material impact. However any change or update which materially alters this document must be by resolution of Council.

13. Review

The Policy will be reviewed within the first 12 months of each new term of Council or earlier as required.