

## **Election Period Policy**

### **For 2020 General Elections**

Adopted by Council at its meeting held on

# Council Policy

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# Council Policy

## **Attachments**

- Form 1 Request for Chief Executive Officer to certify material
- Form 2. Chief Executive Officer certification
- Form 3 Election Period Certification Procedure

## **Appendices**

- Appendix 1 Council publications and resources during the Election Period

<b>Council policy title:</b>	<b>Election Period Policy</b>
<b>Council policy ref no:</b>	C/POL/COR/026 (TRIM REF: DOC/20/151848)
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<b>Adopted by:</b>	Bayside City Council
<b>Date adopted:</b>	28 July 2020
<b>Scheduled review:</b>	July 2024

## Summary of Policy

### Mandatory by legislation

- Election Period (Caretaker Period) is from 12.00pm 22 September 2020 until 6.00pm 24 October 2020.
- No Council decision relating the appointment or remuneration of the Chief Executive Officer during this period.
- No Council decision to commit expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year during this period. (this means no expenditure where the total value exceeds \$955,000.
- Council reasonably consider deferring prohibited decisions until the next Council is in place.
- Any other matter that the Council considers should not be made during the period.
- No Council decision can be made during this period that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

### Mandatory by Council Policy

- All public consultation likely to be conducted during the election period must have prior approval from the Chief Executive Officer.
- Council events may occur during this period, however Councillors have no role to play in these events
- All Council publications are subjected to a certification process.
- Councillors not must use any Council resources including Council staff for any electoral purpose.
- All reports to Council and Committee must include a certification statement.

## 1. Policy intent

The period preceding elections is defined in the Local Government Act 2020 (the Act) as the "Election Period". Section 69 of the Act requires Council to develop, adopt and keep an Election Period Policy and to be included in Council's Governance Rules.

Section 69 of the Act defines certain prohibitions during the Election Period which apply to the functions and powers of a Council as it enters into the "caretaker" period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

The intent of this policy is to clearly articulate how the business of Council will function during the legislated Election Period commencing on the last day of nominations and continues until 6.00pm on the Election Day, a period of 32 days.

## 2. Purpose/Objective

The purpose of this Election Period Policy is to address the requirements of the Act regarding the responsibilities, actions and behaviours of the Council in the period leading up to a general elections.

The objective of the policy is to ensure that the ordinary business of local government in the City of Bayside continues throughout the election period in a responsible and transparent manner, and in accordance with the legislated requirements.

This policy prescribes actions and procedures the organisation will implement in observance of statutory requirements and established election period conventions in the interests of ensuring a fair election generally during the election period. This policy builds on the minimum statutory standards to enhance the accountability of the Council, Councillors and Council staff during the election period.

## 3. "Election" Period

***The election period is defined within Section 3 of the Local Government Act 2020 and commences on the last day on which nominations for an election can be received and ends at 6.00pm on Election Day. For the purpose of this policy the period is from 12.00pm on 22 September 2020 to 6.00pm on 24 October 2020.***

## 4. Scope

The scope of this policy applies to Councillors and Council staff during the Election period to:

- Prevent inappropriate decisions and misuse of resources;
- Limit public consultation and council events; and
- Provide equitable access to council information
- Prohibition on Council

The Election Period Policy has been developed in order to ensure that the general elections for the Bayside City Council on Saturday 24 October 2020 and any subsequent elections are conducted in a manner that is ethical, fair and equitable and is publicly perceived as such.

## 5. Accountability

### 5.1 Council

Council will function in accordance with this Election Period Policy during the election period.

### 5.2. Responsibility of Councillors

Councillors need to be mindful of their responsibilities in relation to improper use of their position as outlined in the Act. Section 123 and 124 of the Act prohibit Councillors from intentionally misusing or inappropriately making use of their position to:

- a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- b) Cause, or attempt to cause, detriment to the Council or another person.

### 5.3. Role of the Chief Executive Officer (CEO)

The Chief Executive Officer or delegate will ensure, that all Councillors receive a copy of this as soon as practicable, after the Council adoption of the policy, and staff are informed of the application of this policy at least 30 days prior to the commencement of the election period. The Chief Executive Officer will issue guidelines to staff on their responsibilities in respect to the implementation of this Policy.

The Chief Executive Officer will ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

The Chief Executive Officer will not include in the order of business for any Ordinary Council or Special Committee meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

## 6. Decisions during the Election Period

Some decision making is impacted during the election period for a general election. Specifically, Prohibited Decisions cannot be made during this period.

The Chief Executive Officer or his delegate will ensure as a far as possible, that matters of Council business requiring a decision, what would otherwise be prohibited decisions are scheduled for Council to enable resolution prior to the commencement of the Election Period, or deferred where appropriate for determination by the incoming Council.

### Prohibited Decisions

Prohibited decisions are specified in section 69(2) of the Act, and decisions made in contravention of this section during the election period are invalid. These decisions relate to:

- a) The appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) Commits the council to expenditure exceeding one per cent 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 reasonable deferred until the next council is in place; or
- d) The Council considers should not be made during an election period.

With regard to section 69(2)(d) above, decisions which Council considers should not be made during the election period, this policy nominates significant decisions that significantly affect the municipality or unreasonably bind the incoming Council.

In the case of a decision that significantly affects the municipality or unreasonable binds the incoming Council, a number of factors will need to be considered including:

- Whether the decision is 'significant';
- The urgency of the issue (can it wait until after the elections);
- The possibility of financial and/or legal repercussion if it is deferred'
- Whether the decision is likely to be controversial; and
- The best interest of Council.

Some examples include decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan.

The following table illustrates what will constitute Prohibited Decisions:

<b>Proposed Council Decision</b>	<b>Is it allowed</b>	<b>Reference</b>
The appointment or remuneration of the Chief Executive Officer (section 45) Other than the appointment or remuneration of an Acting Chief Executive Officer	No	Prohibited by section 69(2)(a) of the Act.
Committing 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 (estimated at \$955k).	No	Prohibited by section 69(2)(b) of the Act.
A decision which Council considers could be reasonably deferred until the next council is in place.	No	Prohibited by section 69(2)(c) of the Act.
Significant decisions, being decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).	No	Prohibited by section 69(2)(d) of the Act.
A decision that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at an election	No	Prohibited by section 69(3) of the Act.

## **7. Public Consultation during the election period**

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action or proposed policy, and includes discussion of that matter with the public.

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultations will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to affect voting. Council will not continue or commence consultation on any contentious or politically sensitive matter after the date on which nominations close.

The above does not apply to public consultation required pursuant to the *Planning and Environment Act 1987* or to matters subject to Section 223 of *The Act*. Consultation under this statutory provision shall only proceed after express agreement by the relevant Director where it relates solely to the normal day-to-day business of Council, and the consultation is not deemed to be controversial.

All public consultation that is likely to run into the election period must have prior approval from the Chief Executive Officer. Where approved, the results of the consultation will not be reported to Council until after the election period, unless the Chief Executive Officer or nominated delegate decides otherwise.

## **8. Council events**

Councillors are able to continue to attend meetings, events and functions during the Election Period which are relevant to the Council and the community. However, Councillors will have no formal role to play at these events.

Council's annual program of events will continue during the Election Period. However, any publicity must be mindful of the controls on electoral material outlined in this policy.

### **8.1 Other Organisation Events**

Councillors are able to attend events or functions conducted by external bodies during the Election Period, however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

## **9. Council Publications during the election period**

Section 304 of the Act imposes limitations on council publications. This is to ensure that Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during the election period unless the electoral material only contains information about the election process or is otherwise required in accordance with the Act or regulations.

A publication that contains an express or implicit reference to any of the following is taken to be electoral matter:

- the election;
- a candidate in the election (with the exception of Council minutes and agendas);
- an issue submitted to, or otherwise before, the voters in connection with the election;
- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or,
- or publicises the achievements of the elected Council.

Best practice is for Council to avoid all publications activity during the election period except where essential for the conduct of Council operations. Where printing, publishing or distributing a document is deemed essential to Council business during the election period, CEO certification is required for all publications. Publications should be read broadly to include electronic information and web based productions.

## **10. Certification Process**

The process for the certification will be as follows:

- When drafting a publication, check and ensure that no election material is present - if uncertain check with the Governance Department.
- All draft publications are to be sent or produced by Communications Department (excluding Job advertisements). They will forward any document for clarification or if material is doubtful to the Governance Department for determination.
- Once the draft is prepared and checked, the document is to be given to the CEO with the wording as per Form 1 attached to this policy.
- The Chief Executive Officer will use the wording in Form 2 attached to this policy to certify the document.

Councillors are however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or the City of Bayside (eg: by use of Council logo).

The controls do not cover newspaper advertisements which simply announce the holding of a meeting or the election process itself.

An Election Period Certification Procedure is attached to this policy and referred to as Form 3.

## **11. Publications**

Any Council publication which is potentially affected by this policy will be reviewed by the Governance Department to ensure that any circulated, displayed or otherwise publicly available collateral during the election period does not contain material that may be construed as “electoral matter”.

Existing publications, including material published on Council’s website in advance of the election period, are not subject to certification requirements.

Council will review all its public collateral available from the Corporate Centre, branch libraries and Maternal Child Health Centres and remove any which might contain electoral matter prior to the election period.

Any reference to Councillors in Council publications printed, published or distributed during the election period must not include promotional text or express personal views and opinions.

A summary of Council publications and resources during the election period is attached to this policy.

## **12. Let’s Talk Bayside**

Council will cease publication of Let’s Talk Bayside and any similar publication during the election period.

### **13. Website**

During the Election Period Council's website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process. Information about Councillors will be restricted to the names of the elected representatives and contact details and committee or other bodies Councillors have been appointed to by the Council. There will be no biographies or policy statements.

Council agendas and minutes of meetings do not require certification if published in the usual way on the website.

### **14. Social Media**

Council has a number of social media sites including Twitter, Instagram, Facebook and YouTube. Council's Communication and Engagement Department will continue to monitor Bayside City Council corporate Facebook, Instagram sites and twitter feeds.

During the Election Period, Bayside City Council will continue to maintain a social media presence. All publication of postings on social media sites will require certification by the Chief Executive Officer prior to the posting being active. Council social media tools must not be used for election campaigning.

The ability for members of the public to post comments on Council's social media sites will continue during the election period. During this period monitoring of the social media channels will extend to afterhours and weekends and will be undertaken by the Communications and Engagement Department, who will have editing access to delete any material posted on Facebook and Twitter that make reference to following:

- Content posted by a candidate irrespective of content
- Content that makes reference to a candidate; or
- The 2020 election – unless it is a query about the election process itself.

During the Election Period, no new imagery or text of Councillors and their activities will be posted.

### **15. Annual Report**

Council is required by the Act to produce and put on display a copy of its Annual Report. The 2019/20 Annual Report will be published during the Election Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors. This publication is not considered an 'advertisement, handbill, pamphlet or notice' and does not require certification.

The annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.

## **16. Council and Delegated Committee Meetings**

Council is required by the Act to:

- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

Agenda papers and minutes of Council and Delegated Committee meetings therefore do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

## **17. Photo boards**

Public photo boards containing photographs of current Councillors on display at Council premises will be removed during the election period. Councillors must not use existing Council photographs as part of their election material.

## **18. Publicity**

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.

During the Election Period, no Council employee may make any public statement that could be construed as influencing the election, or make political statements during the Election Period. This does not include statements of clarification that are approved by the Chief Executive Officer or nominated delegate.

During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer or nominated delegate. In any event Council publicity during the Election Period will be restricted to promoting normal Council activities, and no Council funded publicity will feature Councillors excluding the Mayor when representing Council in an official capacity.

## **19. Media Advice**

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer, or the Chief Executive's designated delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves Councillors.

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.

## **20. Media releases /spokesperson**

Media releases will not refer to a Councillor or Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will determine the appropriate person.

## **21. Speeches**

Any publication or distribution of a Councillor or Mayoral speeches by the Council must be subject to the certification process. Council staff must be mindful when preparing speeches and should ensure that speeches contain a short welcome, and should not contain any express or implied reference to the election.

## **22. Title of Councillor**

Councillors may use the title "Councillor" in their election material, as they continue to hold that position during the election period. To avoid confusion, Councillors should be advised to ensure that any election publication using the title "Councillors" clearly indicates that it is their own material and does not represent Council.

## **23. Council Resources**

In accordance with Section 304 of the Act the Council will ensure that due probity is observed in the use of all Council resources during the Election Period, and Council staff are required to exercise appropriate discretion in that regard.

Council resources, (including offices, meeting rooms, support staff, hospitality services, equipment electronic devises, ipad, mobile phones, stationery and mayoral vehicle) must not be used in connection with any election campaign during the Election Period.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or the Chief Executive Officer's delegate.

Reimbursements of Councillor's out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

No member of Council staff, including the Executive Assistant to the Mayor and Governance staff will be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

No Council logos, publications, letterheads, or other Bayside City Council branding will be used for, or linked in any way to, a candidate's election campaign.

Officers are unable to assist in preparing Councillor election material or using their media contacts.

Councillors must ensure that they comply with the requirements of the Act in respect to election material and the necessary registration and endorsements from the Returning Officer.

Mobile phone costs associated with electioneering will not be paid by Council. Councillors standing as candidates must ensure that the Council provided mobile phone is not used for electioneering purposes.

## **24. Public Question Time at Ordinary Meetings of Council**

In accordance with Council adopted Governance Rules any questions to the Council from the public relating to electoral matter during an election period will not be considered at any Council meeting.

## **25. Election Period Statement – Reports to Ordinary Meetings of Council, Special Meetings of Council and Planning and Amenity Committee.**

Given Council will continue to hold an Ordinary Meeting of Council, Planning and Amenity Committee meeting and a Special Meeting of Council during the Election Period, and in order to facilitate compliance with its commitment to ensuring appropriate decision-making during the Election Period, Council adopts the following procedure.

### Procedure

- During the Election Period, the Chief Executive Officer will ensure that an Election Period Statement is included in every report submitted to a meeting of Council or Delegated Committee (if required) for a decision specifying the following:
  - The recommended decision is not a “Prohibited Decision” as defined in section 69(2) of the Local Government Act 2020 or a “Significant Decision” within the meaning of this policy.

During the Election Period, the Council will not make a decision on any matter or report that does not include one of these Election Period Statements.

## **26. Information**

The Council recognises that all election candidates have certain rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the Election Period.

Information and briefing material prepared by staff or the Contractor conducting the elections on behalf of Council, during the Election Period will relate only to factual matters or to existing Council services. Such information 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 with a candidate’s election campaign.

All election process related enquires from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or where the matter is outside the responsibility of the Returning Officer, to the Chief Executive Officer or nominated delegate.

## **27. Information Register**

An Information Request Register will be maintained by the Governance Department during the Election Period. This Register will be a public document that records all requests for information by Councillors and Candidates, and the responses given to those requests.

### **28. Equal accessibility to information for Candidates**

The Council affirms that all candidates for the Council election will be treated equally. To ensure all candidates have equal access to information held by Council during the election, where a request for information is granted by the Chief Executive Officer as recorded in the Information Request Register it will be made publicly available on Council's website for all candidates to access on a separate web page headed Candidates Information

### **29. Assistance to Candidates**

All election related enquiries from candidates, whether sitting councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

### **30. Council Staff becoming a candidate for an election**

Upon becoming a candidate in a Bayside City Council election, the Council staff member must:

- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period in accordance with the Act;
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers) documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at council, in accordance with the Act.

### **31. Members of Council Advisory Committee or other Committees**

Upon becoming a candidate, any person who is a member of one of Council's advisory or other committees is expected to:

- Comply with this policy;
- Inform the Chief Executive Officer;
- Take leave from the Advisory Committee or other Committees;
- Return any council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period; and
- If elected, immediately resign from the Advisory Committee or other Committee.

### **32. Advertising signage on Council-controlled Land**

Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council-controlled land or a Council road during election campaigns including during the election period.

### **33. Breaches**

Section 123 of the Local Government Act 2020 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section attracts serious penalties, including possible imprisonment. Allegations of breaches of the Local Government Act are independently received and investigated by the Local Government Inspectorate.

### 34. **Councillor Code of Conduct**

Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary the appointment of an external arbiter.

### 35. **Authority**

The Chief Executive Officer or his delegate will be responsible for the enforcement of this policy.

### 36. **Related documents**

<b>Acts</b>	Local Government Act 2020
<b>Strategies</b>	
<b>Procedures</b>	Councillor Code of Conduct

### 37. **Definitions & Abbreviations**

<b>Term</b>	<b>Meaning</b>
Candidate	Means a person who has: <ul style="list-style-type: none"><li>• Publicly expressed an intention to run a a candidate in the election; and or/or</li><li>• A person who has formally nominated as a candidate in the election with the Returning Officer.</li></ul>
Chief Executive Officer	Means: <ul style="list-style-type: none"><li>• The person appointed by a Council to be its Chief Executive Officer or any person acting in that position; and/or</li><li>• The Chief Executive Officer's delegate pursuant to section 44 of the Act; and/or</li><li>• Such other person that the Chief Executive Officer selects for the purpose of giving effect of this Policy.</li></ul>
Council	Means Bayside City Council.
Council-controlled land	Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management, other than a road.
Councillors – Candidate	Mmeans a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.
Election Period	In relation to an election, means the period that - starts on the last day on which nominations for that election can be received; and ends at 6 p.m. on election day.
Election	The term election covers both general and by-elections

Electoral matter	Is broadly defined as any matter which is <i>“intended or likely to affect voting in an election”</i>
Electoral advertisement, handbill, pamphlet or notice	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;
Minister	Refers to the Minister for Local Government
Printed electoral material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter and includes social media.
Prohibited Decision	Means any decision relating to the following: <ul style="list-style-type: none"> <li>a) The appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or</li> <li>b) Commits the council to expenditure exceeding one per cent of the Council’s income from general rates, municipal charges and service rates and charges in the preceding financial year; or</li> <li>c) The council considers could be reasonable deferred until the next council is in place; or</li> <li>d) The Council considers should not be made during an election period.</li> </ul>
Publishing	Means to publish by any means, including publishing on the Internet.
Publication	Means a written document in hard copy or electronic copy.
Significant Decisions	Means a decision relating to the following: decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).
The Act	This refers to the Local Government Act 2020.

**Request for Chief Executive Officer to certify material**

**FORM 1**

**Certification of Material**

This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge in accordance with the section 303 of the Local Government Act 2020.

.....  
Name

.....  
Signature

.....  
Name

.....  
Signature

.....  
Date

**Chief Executive Officer certification**

**FORM 2**

**Certification of Material**

I certify that the attached material is suitable for printing, publishing or distributing on behalf of Bayside City Council in accordance with Section 303 of the Local Government Act 2020.

.....  
**Mick Cummins**  
**Chief Executive Officer**

.....  
**Date**

## Election period Certification Procedure

### Operation

This procedure applies during the Election Period (ie from 12 noon on 22 September 2020 until 6.00pm on Saturday 24 October 2020). This procedure is to be used for certifying any publication pursuant to Section 69(2) of the Local Government Act 2020.

### Background

All requests for advertisements or publications during the Election Period must be certified by the Chief Executive Officer, to confirm that they do not contain election material, prior to being printed or published or distributed.

### Definitions:

“Publication” means any advertisement, pamphlet, handbill, press release notice or similar.

### Process

1. **All publications during the Election Period must** be forwarded to the Governance Department, so that arrangements for certification can be made.

If there is any doubt about whether the material is subject to the procedure, it should be forwarded to Governance for clarification.

The Governance Department together with the Manager Communications and Engagement will read the proposed publication and check that no election material is present (unless it is factual election process information).

2. Once the publication has been checked, complete FORM 1 and certification page to the front of the publication. Completion of FORM 1 indicates the publications is ready for certification by the CEO.

Forward the publication together with attached certification page to the Chief Executive Office to arrange for the standard certification to be used by the Chief Executive Officer for certification purposes. Refer to wording as specified on FORM 2.

3. Once certification by the CEO has been provided, the publication author will be advised and receive a copy of the certification. The publication will not be returned.

The original document together with the certification application will be placed in a folder for record keeping.

### Council publications and resources during the election period.

	<b>Publications</b>	<b>Resources</b>
	<p>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</p>	<p>Council should ensure that Council resources including staff are not used for electoral campaigning purposed during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</p>
<b>Annual Report</b>	<p>The Annual Report is required by legislation and would not normally be considered an “advertisement, handbill, pamphlet or notice’. It should not require certification.</p> <p>However, the annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.</p> <p>In addition, if Council will be printing or distributing a greater number of copies of the annual report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.</p>	<p>Section 131(6) of the Local Government Act 1989 requires Council to normally submit its Annual Report to the Minister no later than 30 September each year.</p> <p>This is a proper use of Council resources.</p> <p><i>Note: Section 131(6) of the 1989 is Act is repealed on 24 October 2020</i></p>
<b>Annual Report summary</b>	<p>Any publication of an extract or summary of the Annual Report is likely to be regarded as a pamphlet and must be subject to the certification process.</p>	<p>Council resources should not be used to produce or distribute any summary of an Annual Report during the election that would be regarded as electoral material.</p>
<b>Council and committee Meetings</b>	<p>Agenda papers and minutes of meetings are not considered advertisements, handbill, pamphlets or notices and should not require certification.</p> <p>However, if Council meeting papers are printed or published for a wider distribution than normal, they should be treated as pamphlets and be subject to the certification process.</p> <p>Public Question raised at Ordinary Meetings of Council must not relate to any electoral matter.</p>	<p>The conduct of Council meetings as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.</p>

<b>Advertisements and Notices</b>	All Council advertisements and notices must be subject to the certification process during an election period. This excludes job advertisements and various notices, such as Council meetings, and road closures.	
<b>Web site – new material</b>	Any new material published on the Council’s web site during the election period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process.  As noted above, Council agendas and minutes of meetings and full annual reports do not require certification if published in the usual way.	Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process.
<b>Web site existing material</b>	It is not necessary to certify material that was published on the Council’s web site well before the election period.  However it is recommended that web sites be checked at the start of the election period: <ul style="list-style-type: none"> <li>• Profiles of Councillors who are candidates should be removed from the web site, but not contact details.</li> <li>• Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed.</li> </ul>	Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process.
<b>Social media</b>	Any publication on social media sites which are auspiced by Council, will be subject to the certification process during the Election Period.  Similar requirements apply to Council blog sites.  A process is in place to ensure any posting from the organisation to social media is certified where it relates to a change in service provision.  The ability for member of the public to post comments on Council’s social media will continue during the election period but will be monitored by Communications & Engagement Department who will have the editing access to remove any material posted by the public that is: <ul style="list-style-type: none"> <li>• Content posted by a candidate irrespective of content</li> </ul>	Council auspiced social media must not be used for election campaigning.  Council will limit access to their social media sites during election period and undertake constant monitoring to ensure no electoral matter is posted.

	<ul style="list-style-type: none"> <li>• Content that makes reference to a candidate; or</li> <li>• The 2020 election – unless it is a query about the election process itself.</li> </ul>	
<b>Email</b>	<p>Emails that are part of the normal conduct of Council business should not require certification.</p> <p>However, any emails with multiple addresses, used for broad communication with the community, should be subject to the certification process</p>	<p>Council email services must not be used for electioneering purposes.</p> <p>If necessary, Councillors should be referred to one or more of the free email providers for private email addresses.</p>
<b>Correspondence</b>	<p>Mass mail outs or identical letters sent to a large number of people by or on behalf of Council must be subject to the certification process.</p>	<p>Council staff should not prepare Councillors' private mail or electoral correspondence and such material must not be printed on Council stationary or using Council equipment.</p>
<b>Mobile phones</b>		<p>Mobile phone costs associated with electioneering should not be paid by Council.</p> <p>If Councillors are provided with a Council owned mobile phone, suitable procedures should be put in place. This may involve:</p> <ul style="list-style-type: none"> <li>• Requiring Councillors to use another mobile phone for electioneering ; and</li> <li>• Monitoring usage and ensure reimbursement by Councillors if for personal use is maintained.</li> </ul>
<b>Council offices and libraries</b>	<p>Existing documents available to the public at Council offices and libraries do not normally require CEO certification.</p> <p>However, any increase in the availability of a publication should be subject to certification.</p> <p>It is also recommended that staff check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed.</p>	<p>Electoral material, including pamphlets, posters and notes should not be visible or available at any Council premises during an election.</p> <p>The only exception of this is a material issued by the Returning Officer for the purpose of conducting the election.</p>

<b>Media releases</b>	Media releases should be regarded as documents that require certification by the CEO.	Council staff must not prepare or assist in the preparation of media releases that contain electoral material.  Councillors should be advised that media releases dealing with their election campaign should only be issued privately.
<b>Events</b>	Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.	Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.  Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum.  Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.
<b>Speeches</b>	Any publication or distribution of Councillors' speeches by the Council must be subject to the certification process.	Council staff and resources should not be used to prepare or publish speeches that contain electoral matter.
<b>Title of "Councillor"</b>		Councillors may use the title "Councillor" in their election material, as they continue to hold their positions in the period.  To avoid confusion, Councillors should ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.
<b>Returning Officer</b>	The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC Returning Officer do not need certification.	

## Endorsement

This Election Period Policy has been developed in accordance with the Local Government Act 2020, and was adopted by Council at its meeting on XXXXXXXX 2020.

We the undersigned hereby acknowledge that we have individually received a copy of the Election Period Policy, and acknowledge the contents of the policy which will take affect from 22 September to 24 October 2020, and will abide by the contents of the policy during this election period.

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Cr Clark Martin  
Mayor

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Cr Rob Grinter  
Deputy Mayor

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Cr Alex del Porto

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Cr Michael Heffernan

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Cr James Long BM, JP

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Cr Laurence Evans

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Cr Sonia Castelli

*Endorsed by Councillors on XXXXXXXX 2020.*