



AGENDA APPENDIX
Council Meeting
Wednesday 23 March 2016

AGENDA ITEM FOR SEPARATE DISTRIBUTION TO COUNCILLORS AND
EXECUTIVE LEADERSHIP TEAM DUE TO DOCUMENT SIZE.

THE ITEM IS ACCESSIBLE VIA THE COUNCIL WEBSITE OR BY
CONTACTING COUNCIL ON 03 5662 9200.

E.5 POLICY REVIEW: C30 ELECTION PERIOD POLICY

Appendix 1 – C30 Election Period Policy



ELECTION PERIOD POLICY

Policy Number	C30	Directorate	Corporate and Community Services
Council Meeting Agenda Item	E.5	Department	Innovation and Council Business
Council Meeting Adoption Date	23 March 2016	Primary Author	Coordinator Corporate Planning and Council Business
Revision Date	30 June 2020	Secondary Author	Manager Innovation and Council Business

POLICY OBJECTIVE

The Election Period Policy (Policy) has been developed to ensure the general elections for the South Gippsland Shire Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

The Policy facilitates the continuation of the ordinary business of Council throughout the election period in a reasonable and transparent manner, in accordance with statutory requirements and established caretaker conventions.

Council will ensure that its actions (both actual and perceived) in the election period immediately prior to a Council election are consistent with good governance practices and that it will avoid making significant policy decisions or resolving matters that would be more appropriately determined by the incoming Council.

Council will commit to ensuring resources including staff, equipment, vehicles and materials are not used in election campaigning, or in a way that may improperly influence an election, or improperly advantage existing Councillors and/or Candidates in the election.

This Policy applies to the Council, Special Committees of Council including Section 86 Committees, all Councillors regardless of whether or not they are nominating as a candidate, the Chief Executive Officer, Staff or a person acting under delegation given by the Council.

The Policy also applies to members of the public nominating or running as Candidates, where applicable.

LEGISLATIVE PROVISIONS

- Local Government Act 1989 Part 3 - Elections, Sections 3, 76AA to 76E, 77, 93A, 93B, 95 and 186(1) (LGA)
- Governance Practice Notes and guidance prepared from time to time by the Department of Environment, Land, Water and Planning (DEWLP)
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Privacy and Data Collection Act 2014
- Local Law No. 3, 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal)
- Councillor Code of Conduct, 2013
- Code of Conduct for Staff, 2015



- Councillor Support and Reimbursement Policy, 2015
- Reforms Arising From The Local Government Amendment (Improved Governance) Act 2015 – A Guide For Councils
- Human Rights Policy, 2013
- Local Government Victoria Practice Notes April 2004, 5 August 2004, 7 September 2004 and 9 March 2012
- Local Government Investigations and Compliance Inspectorate Information Bulletin: Election Caretaker Policy August 2012
- Other relevant Council policies associated with good governance that apply at all times, and would continue to be relevant during the election period.

Definitions

Where terms used in this Policy are defined in the Local Government Act 1989 (LGA), their use in this Policy is consistent with the definitions in the LGA.

Candidate Is a person who has nominated themselves with the Victorian Electoral Commission and is seeking election as a Councillor.

CEO / Chief Executive Officer

The Chief Executive Officer has the same meaning as defined in Section 3 Local Government Act 1989

“means the person appointed by a Council to be its Chief Executive Officer or any person acting in that position.”

Councillor

Has the same meaning as defined in Section 3 Local Government Act 1989

“means a person who holds the office of member of a Council.”

Electoral Matter

Electoral matter refers to any electoral material which is intended to affect voting in an election. It does not include:

- Any electoral material produced by, or on behalf of, the Victorian Electoral Office or Returning Office for the purposes of conducting an election;
- An advertisement in a newspaper announcing the holding of a meeting.

It does include material that:

- 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
- Publicises the achievements of the elected Council.

**Election Period**

Previously referred to as the 'Caretaker Period', the election period has the same meaning as defined in Section 3 Local Government Act 1989

"means the period that –

- a. Starts at midnight on the last day on which nominations for that election can be received; and*
- b. Ends at 6 pm on election day".*

This translates to a commencement date 32 days prior to the general election and it starts at midnight on the last day on which nominations for that election can be received.

Electoral Publications

Has the same meaning as defined in Section 3 Local Government Act 1989

"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".

LGA

Is the Local Government Act 1989 that sets the legislative requirements under which Council operates and elections are managed. It includes provisions required under the Local Government (Improved Governance) Act 1989

Public Consultation

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

Significant / Major Policy Decision

Means an irrevocable decision that significantly affects the municipality.



POLICY STATEMENT

If this policy or parts thereof is inconsistent with Governance Practice Notes and guidance provided by DEWLP the latter shall prevail.

PART 1: PROHIBITIONS ON MAJOR POLICY DECISIONS

Councils are prohibited under Section 93A of the LGA from making major policy decisions during the election period. Specifically mentioned major policy decisions include awarding contracts beyond the threshold that requires a competitive process, decisions on certain entrepreneurial activities and decisions regarding the CEO's employment and remuneration. These are explained in greater detail further below.

A major policy decision made during the election period is invalid. Any significant / major policy decisions are to be held over to be considered and determined by the newly elected Council, if required.

1.1 Chief Executive Officer Employment and Remuneration

Council will not, during the election period, make a decision:

- a. To employ a CEO;
- b. To terminate the CEO's employment;
- c. To vary the CEO's contract; or
- d. To alter the remuneration of the CEO.

Council may appoint an acting CEO, if necessary, during the election period.

1.2 Contracts

Council will not enter into a contract that exceeds whichever is the higher of the following amounts:

- a. One per cent of the Council's total revenue from rates and charges (under Section 158 of the LGA) in the preceding financial year. This does not include revenue from special rates and charges.
- b. The amount fixed by Order in Council, under Section 186(1) of the LGA, being the value at which Council must give public notice to invite tenders or expressions of interest for the contract.

At the time of making this Policy the amounts fixed under Section 186(1) were:

- a. \$150,000 for goods and services gst inclusive; and
- b. \$200,000 for works contracts gst inclusive.

1.3 Entrepreneurial Powers

During the election period, Council will not exercise any entrepreneurial power under section 193 of the LGA if the amount assessed under section 193(5A) exceeds the specified value.

The amount assessed under section 193(5A) is the value of the total investment and the total risk exposure.



The specified value that must not be exceeded is the higher of the following amounts:

- a. One per cent of the Council's total revenue from rates and charges (under section 158 LGA) in the preceding financial year. This does not include revenue from special rates or special charges.
- b. \$100,000.

1.4 Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption.

If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption subject to any conditions or limitations the Minister considers appropriate.

An application for a Ministerial direction should demonstrate that the following apply:

- a. The consequences of failing to make the decision would have serious negative impact on the community.
- b. The decision cannot be delayed until after the election period.
- c. The Council has been unable to make the decision prior to the election period or the need to make the decision prior to the election period was unforeseeable.

If an application is made it should include the following:

- a. Details of the matter to be addressed by the proposed decision along with reasons why the decision is important and urgent.
- b. A description of the degree of political sensitivity involved in the matter and whether it is likely to be an issue in the Council election.
- c. Details of any funding being provided by State or Federal Government, along with contact details for the relevant agency.
- d. An explanation of why the matter could not have been, or was not, resolved prior to the commencement of the election period.
- e. An explanation of why the decision cannot be delayed until after the election period.
- f. An extract from the Council minutes recording the Council resolution to seek an exemption.

1.5 Permissible Decisions Required Under Legislation

Council may not delay a decision that is required within a specified time frame by legislation e.g. planning decisions with timelines specified under the Planning and Environment Act 1987, or decisions required by the Local Government Act 1989, such as the preparation of an Annual Report.



PART 2: PREVENTIONS AND CONTROLS

Councils must prepare, adopt and maintain a Council Election Policy in accordance with Section 93B of the LGA. The policy must include procedures to prevent inappropriate decision making and inappropriate use of resources.

The LGA also requires under Section 55D prohibitions on publishing electoral material during the election period.

To this end the following requirements apply:

2.1 Prevention of Inappropriate Decisions

Council will not during the election period:

- a. Allocate community grants or other forms of direct funding for community organisations.
- b. Approve major planning scheme amendments.
- c. Adopt new or revised policy directions or strategic plans.
- d. Make changes to strategic objectives or strategies in the Council Plan.

During the election period the Council will not make significant decisions that bind the incoming Council except where:

- a. the issue is urgent
- b. it is considered absolutely necessary for Council operational purposes or pursuant to statutory requirements;
- c. failure to make a decision would be a breach of legislative requirements;
- d. the issue cannot be reasonably deferred without major negative repercussions; or
- e. the decision relates to the completion of an activity already undertaken and endorsed by Council e.g. via the Budget, Council Plan, approving Meeting Minutes and ordinary procedural reports etc.

It shall be the responsibility of the CEO to determine whether a matter meets these criteria.

2.2 Prevention of Misuse of Resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. 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 CEO as to the nature of the usage.

The following protocols shall apply during the election period:

2.2.1 Use of Council Resources

Council resources, including vehicles, offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the election period, and will not be used in connection with any election matter. Similarly, Council funded telephones and e-mail addresses are not to be used by Councillors as contact points in their election campaign material.



2.2.2 Council Reimbursements

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

2.2.3 South Gippsland Shire Council Branding

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

2.2.4 Councillor Title Use

Councillors may use the title "Councillor" in their personal election material, as they continue to hold their positions in the period, however to avoid confusion Councillors are required to ensure that where they use the title 'Councillor' in their publications they clearly indicate it is their own material and does not represent Council.

2.3 Prevention of Unnecessary 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. This does not include statements of clarification that are approved by the CEO.

2.4 Prevention of Council Media Services Access

Council's Communications team undertake the promotion of Council activities and initiatives. Council publicity during the election period will be restricted to communicating normal Council activities and responses to customer needs and will be subject to certification by the CEO.

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO. No media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors or Candidates.

Councillors will not use their position as an elected representative to access Council staff resources and other Council resources to gain media attention in support of an election campaign.



2.5 CEO Certification of Publication Materials – Section 55D

Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the publication has been certified, in writing, by the CEO.

Councillors or members of Council staff must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the CEO.

Certifications by the CEO will be in writing on or affixed to a copy of the publication and be in the following form:

‘Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989’

Copies of all certified documents will be retained on Council records.

The following protocols shall apply during the election period:

2.5.1 Website

- a. Material published on Council’s website in advance of the election period is not subject to certification. Existing material that is prominently displayed will be reviewed and consideration given to its removal if it would be considered electoral material, were it to be published during the election period.
- b. Councillors’ names and contact information will remain on the website during the election period, but Councillors’ profiles will be removed.

2.5.2 Social Media

- a. Social media will continue to be used by Council staff to respond to general customer service information provision. These responses will be certified by the CEO.
- b. To facilitate timely responses, a series of standard statements, pre-certified by the CEO, will be used where applicable.
- c. Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available, such as approved standard statements, to ensure no electoral matter is posted.
- d. Any social media posting from the community or candidates that may influence the election outcome will be removed as soon as practicable.

2.5.3 Council Agendas, Minutes and Briefing Papers

- a. Council Agendas, Minutes and Briefing Papers do not require certification by the CEO unless they are printed and published for a wider distribution than normal.



- b. All reports and briefing papers during the election period will include a statement verifying that they do not breach Section 93A of the Local Government Act.

2.5.4 Annual Report

- a. The Annual Report will be prepared, endorsed and published during the election period. This document does not require certification, however the CEO will check and approve the use of pictures and content, in order to remove items that could be construed as electioneering. Councillors' names and details will be included in the Annual Report without photographs.

Guidance about publications and resources is contained in Attachment 1 to this Policy.

PART 3: LIMITING PUBLIC CONSULTATION AND COUNCIL EVENTS

Councils must prepare, adopt and maintain a Council Election Policy in accordance with Section 93B of the LGA. The Policy must include procedures to prevent limits on public consultation and the scheduling of Council events. To this end the following requirements apply:

3.1 Public Meetings, Community Consultation and Events

Scheduling public consultations and events in the lead up to elections frequently raises concerns over their potential use by sitting Councillors and Candidates for electioneering purposes. To this end Council will ensure elections are not compromised by inappropriate electioneering and will safeguard the authority of the incoming Council by placing restrictions on the opportunities Councillors or members of the public have to promote themselves or political issues that may influence election outcomes.

3.1.1 Council Meetings, Briefings and Public Presentation Session

- a. Councillor Reports, Public Question Time conducted at Ordinary Council Meetings and Public Presentation Sessions will not be used by Councillors or Candidates for actual or perceived electioneering activities. The CEO and/or Mayor may call an immediate stop to a speaker, and/or not release documentation provided by speakers considered by them to be misusing Council resources for potential electioneering purposes at these times.
- b. Councillors may speak to Agenda items of any Council Ordinary Meetings and/or Special Council Meetings and Briefings held during the election period.
- c. Council will limit speakers at Public Presentation sessions held in the election period to discussion of topics that are on the Council Agenda for that month. If there are no speakers to the Agenda then the Public Presentation sessions may be cancelled by the CEO.



- d. External speakers wishing to present to Council at a Public Presentation session during the election period must provide the Council Business Officer with a list of the topics to be raised when booking a time and provide a copy of any documents or power point presentations they wish to use at the session. These topics and documents will be considered by the CEO as to their relevance to the Council Agenda. The Speaker will be advised of any items not relevant to the Agenda that cannot be raised and encourage the speaker to book a time to present to the newly elected Council at the next appropriate session.

3.1.2 Public Consultation

- a. Council will not conduct community consultation activities during election periods, excluding those required for statutory purposes that cannot be delayed until after the election period.
- b. The CEO is to approve in writing any consultation activities that may be held at any time during the election period. Permission must be gained prior to commencement or advertisement of the activity.

3.1.3 Community Events

Council will limit community events as far as practicable during the election period to those normally held on a periodic basis; such as Coal Creek markets and annual festivals. The CEO is to approve in writing any new community events that have to be held during this election period. Permission must be gained prior to commencement or advertisement of the activity.

3.1.4 Speeches

Any required speeches to be made on behalf of Council by the Mayor, Councillors, CEO or Staff during the election period will be scripted and certified by the CEO prior to the event.

3.1.5 Councillor Community Meetings

Councillors will not hold any community meetings or gatherings under the auspice of Council, or use any Council resources for such events during the election period.

PART 4: EQUITABLE ACCESS TO COUNCIL INFORMATION

Council's Election Policy, prepared in accordance with Section 93B of the LGA, is required to include procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election. To this end the following requirements apply:



4.1 Access to Information

The Council recognises that all election candidates have the right to access information from the Council administration, subject to the Privacy and Data Collection Act (2014).

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.

Councillors will continue to receive information that is necessary to fulfil their elected roles, particularly in regard to information relating to Council Agenda and Briefing Paper items currently under consideration.

4.1.1 Provision of Council Information to Councillors and Candidates

- a. Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or 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.
- b. Where a Councillor wishes to request information for their use as a Councillor (e.g. a briefing from Council Officers, access to information on Council files) the Councillor must make the request through the CEO or the relevant Director. This protects both Councillors and Officers from any accusation of "inappropriate interaction" and/or "undue influence". It also allows the relevance of the information requested to be determined in relation to current Council business.
- c. Council staff will not directly provide Councillors or Candidates with information but will refer any direct requests for information to the appropriate Director, or the CEO on broader matters during the election period.

4.1.2 Information Request Register

- a. An Information Request Register (Register) will be maintained during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.

4.1.3 Freedom Of Information Requests

- a. Applications for information under the Freedom of Information Act (Victoria) 1982 will be dealt with in the normal manner. Their requirements are outlined in the Freedom of Information Act 1982.



PART 5: ASSISTANCE TO CANDIDATES

The Council affirms that all Candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council election will be provided equally to all Candidates. The types of assistance that are available will be documented and communicated to all Candidates in advance.

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 Victorian Electoral Commission, CEO or a designated member of Council staff depending on the matter.

PART 6: IMPROPER USE OF POSITION

Sections 76D and 76E of the LGA prohibit Councillors from misusing or making inappropriate use of their position. A breach of Section 76D attracts serious penalties, including possible imprisonment.

Councillors, Candidates and Staff are advised that Council is obliged to assist fully in the investigation of any matters arising from the election.

PART 7: MONITORING THE POLICY

The CEO is responsible for determining any issues that arise in the implementation of this Policy.

RISK ASSESSMENT

This Policy enables:

- a. Council, Councillors, Candidates and Council Staff to understand their requirements and obligations.
- b. Council to demonstrate its commitment to probity in its elections.
- c. Community confidence and public trust in Council to be maintained or improved.
- d. Council to address matters that may not be explicitly captured in the LGA and, when followed will mitigate the likelihood of any breaches of the LGA.

IMPLEMENTATION STATEMENT

As soon as practical and no later than 32 days prior to the commencement of the election period, the CEO will ensure that all Councillors and staff are informed of the requirements of this Policy.



All Section 86 Committees of Council will be provided with a copy of this Policy and encouraged not to hold formal Committee meetings during the election period. If formal Committee meetings are required in the election period the Committee must ensure it follows the requirements of this Policy.

All staff have a responsibility to monitor the implementation of this Policy and immediately refer any departures or deviations from this Policy to the CEO.

A copy of the Policy will be provided to the Victorian Electoral Office for inclusion in the Candidates' kit.

The Policy will be published on Council's website www.southgippsland.vic.gov.au.



Attachment 1 - Publications and Resources

	Publications	Resources
	<i>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.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</i>
Annual Report	<p>The Annual Report is required by law 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 a 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 Act requires the Council to 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>The Annual Report is required to be available for public comment for two weeks prior to its final (combined) adoption in October each year.</p>
Annual Report summary	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.	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.
Council Meetings	<p>Agenda papers and minutes of meetings would not normally be considered advertisements, handbills, 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>	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.



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Advertisements & Notices	<p>All Council advertisements and notices must be subject to the certification process during an election period. This includes job advertisements and various notices, such as Council meetings and road closures.</p> <p>Newspaper notices of meetings are not regarded as electoral matter under section 3(1) of the Act and can be certified.</p>	
Website – New Material	<p>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.</p> <p>As noted above, Council agendas, minutes of meetings, adopted Budgets and full Annual Reports do not require certification if published in the usual way.</p>	Council's web sites should not be used to convey information that could be regarded as electoral material unless it is only about the election process.
Website – Existing Material	<p>It is not necessary to certify material that was published on the Council's web site well before the election period.</p> <p>However, it is recommended that web sites be checked at the start of the election period:</p> <p>Profiles of Councillors who are candidates should be removed from the web site, but not contact details.</p> <p>Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed.</p>	Council's web sites should not be used to convey information that could be regarded as electoral material unless it is only about the election process.



	Publications	Resources
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Social Media	<p>Any publication on social media sites like Facebook or Twitter, which is auspiced by the Council, will generally require certification by the CEO.</p> <p>A number of CEO approved standard responses can be prepared and utilised to respond to relevant matters that are raised on social media sites.</p> <p>Similar requirements apply to Council blog sites.</p>	<p>Council auspiced social media must not be used for election campaigning.</p> <p>It is recommended that a Council consider either limiting access to its social media sites during election periods or undertaking constant monitoring to ensure no electoral matter is posted.</p>
Email	<p>Emails that are part of the normal conduct of Council business should not require certification.</p> <p>However, any emails with multiple addressees, 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>
Correspondence	<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 stationery or using Council equipment.</p>
Brochures, Pamphlets, Handbills, Flyers, Newsletters and Books	<p>Documents promoting an event, activity, consultation or information to be distributed during the election period must be subject to the certification process</p>	<p>Council staff or Councillors should not prepare brochures, fliers, pamphlets or other documents that may be considered electoral material on behalf of a Councillor or Candidate and such material must not be printed on Council stationery or using Council equipment.</p>



	Publications	Resources
	<i>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.</i>	<i>Councils should ensure that Council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</i>
Mobile phones/ Home phone line		<p>Mobile phone costs associated with electioneering should not be paid by the Council. This should be addressed in Council policies and procedures and properly monitored.</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"> • Requiring Councillors to use another mobile phone for electioneering, or • Establishing arrangements to monitor usage and ensure reimbursement by Councillors of costs associated with electioneering or other private use.
Council offices and libraries	<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 notices should not be visible or available at any Council premises during an election.</p> <p>The only exception to this is material issued by the returning officer for the purpose of conducting the election.</p>
Media releases	Media releases should be regarded as documents that require certification by the CEO.	<p>Council staff must not prepare, or assist in the preparation of, media releases that contain electoral material.</p> <p>Councillors should be advised that media releases dealing with their election campaign should only be issued privately.</p>



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Events	<p>Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.</p> <p>New events or functions that do not form part of regular or annual events require certification of the CEO prior to commencement or advertising.</p>	<p>Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.</p> <p>Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum.</p> <p>Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.</p>
Speeches	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.
Title of "Councillor"		<p>Councillors may use the title "Councillor" in their election material, as they continue to hold their positions in the period.</p> <p>To avoid confusion, Councillors should be advised to ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.</p>
Returning Officer	<p>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.</p> <p>However, if the returning officer is a member of Council staff, section 55D(4) may apply and the Council should seek advice.</p>	