

Election Period Policy



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1. Title

Election Period Policy

2. Policy Statement

This policy has been developed in order to provide clear information about procedures and practices for West Gippsland Libraries (the Corporation) business in the lead up to the 2020 Local Government Elections to be held on 24 October and specifically the Election Period between midnight on 22 September and ceases at 6pm on 24 October 2020.

The *Local Government Act 1989 (the Act)* provides that during the Election Period certain prohibitions apply to the general functions and powers of the Corporation.

This policy commits the Corporation during the election period to avoid making significant new policies or decisions that could unreasonably bind a future Library Board, and to ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage Board members who are Councillors as candidates in the election.

3. Our Child Safety Commitment

West Gippsland Libraries is committed to the safety and wellbeing of all children and young people.

4. Scope

This policy applies to all Corporation employees, volunteers, Board members and Community Advisory Committee members.

5. Policy Details

5.1 Roles and Responsibilities

Responsibility of Councillors who are Board Members

Councillors should be aware of their responsibilities in relation to improper use of position as outlined in the Act. Sections 76D and 76E of the Act prohibit Councillors from misusing their position.

Section 76D in relation to the election period ensures a fair election is held where Corporation resources are not used for campaign purposes or to influence voters.

Role of Chief Executive Officer

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:

- All Councillors and Officers are informed of the application of this policy 30 days prior to the commencement of the election period;
- Matters of Corporation business requiring major policy or significant decisions are scheduled for the Corporation to enable resolution prior to the commencement of the election period, or
- Deferred where appropriate for determination by the incoming Board Members; and
- Guidelines to staff on the role and responsibilities of staff in the implementation of this policy are issued if appropriate.

5.2 Decision making during the election period

Major Policy Decisions

Major Policy Decision is defined by section 93A of the Local Government Act and means a decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- To terminate the appointment of a CEO; or



- To enter into a contract the total value of which exceeds whichever is greater of \$100,000 or such higher amount as may be fixed by Order of the Board under section 186(1).

Prohibition on Council

During the election period, Section 93 of the Act prohibits Council, a special Committee or a person acting under a delegation given by the Corporation to make any major policy decisions.

Any major policy decision made during the election period is deemed to be invalid under the Act. Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

Extraordinary Circumstances

If the Corporation considers that there are extraordinary circumstances where the West Gippsland Libraries community would be significantly disadvantaged by the Corporation not making a particular Major Policy Decision, the Corporation will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2) of the Act.

5.3 Public Consultation

Right to Postpone

Some public consultation activities may be necessary during the election period to facilitate the day to day business of the Corporation and ensure matters continue to be proactively managed. Any such public 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, the Corporation reserves the right to postpone a matter if the issue is likely to affect voting.

The Corporation will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

Any public consultation that is likely to run into the election period must have prior CEO approval. Where approved, results of such consultation will not be reported to the Board until after the election.

5.4 Corporation events

Councillors, including those standing as candidates, may continue to attend Corporation events and functions. Speeches will continue to be prepared for the Board Chair's official functions and will be authorised by the CEO.

5.5 Corporation Publications

Prohibition on Publishing Material during the Election Period

Section 55D of the Act prohibits the Corporation from printing, publishing or distributing or causing, permitting or authorising to be printed, published or distributed any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.

The Chief Executive Officer must not intentionally or recklessly certify a publication that contains electoral matter, unless that material is only about the election process. The CEO must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Corporation staff.

Certification of Publications

Publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer. The certification by the Chief Executive Officer 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 Corporation records.

Publications which require certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books;



- Reports (other than agenda papers and minutes in accordance with Section 7.7);
- Advertisements and notices, except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook, Instagram and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to a large number of people by or on behalf of the Corporation;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

Prohibited Material

Electoral matter is defined in the Act and means any matter which is intended or likely to affect voting in an election, but does not include:

- Any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election, or
- An advertisement in any newspaper announcing the holding of a meeting.

A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:

- The election; or
- A candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

Electoral matter includes material which:

- 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
- Publicises the achievements of the elected Council.

Corporation Publications Including Councillor Information

Any reference to Councillors standing for re-election in Corporation publications printed, published or distributed during an election period must not include promotional text.

Website

Material published on the Corporations website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed.

Any material published on the Corporations website during the election period must be certified by the Chief Executive Officer.

Annual Report

The Corporation is required by the Act to produce and put on public display a copy of its Annual Report. The 2019/2020 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.

The Annual Report does not require certification by the Chief Executive Officer; however any



publication of an extract or summary of the Annual Report will require certification.

Corporation Agendas and Minutes

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

Papers prepared for Corporation Board meetings during the election period will be carefully vetted to ensure that no agenda item is included that could potentially influence voter's intentions at the forthcoming election or could encourage Councillor candidates to use the items as part of their electioneering.

All Councillors will refrain from moving motions or raising matters at meetings that could potentially influence voting at the election.

Items submitted for Community Participation Time will be reviewed to ensure that they comply with the principles of the Act and this policy, and may be amended accordingly before publication.

Social Media

Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be certified by the Chief Executive Officer.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

5.6 Corporation Resources

Application of Resources

Corporation resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Corporation business during the election period and must not be used in connection with any election campaign or issue.

Role of Corporation officers

Staff will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

Use of Corporation Equipment by Councillors

Councillors may continue to use any Corporation equipment provided to them to facilitate their performance of normal Corporation duties, subject to existing protocols and terms of use.

Councillors standing for re-election must not use Corporation equipment as a resource to assist with election campaigns.

Councillors' Entitlement to Reimbursement

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Corporation duties, and not for expenses that support or are connected with a candidate's election campaign.

Corporation Branding

No Corporation logos, letterheads, or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.

Officers' Discretion

The Corporation will ensure that due propriety is observed in the use of all Corporation resources, and Corporation staff are required to exercise appropriate discretion in that regard. Where the use of Corporation resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his or her delegate.

5.7 Media Services

Restriction on Services

The Corporations Communications team undertake the promotion of Corporation activities and initiatives. During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.



Corporation publicity during the election period will be restricted to communicating normal Corporation activities and initiatives and subject to certification by the Chief Executive Officer.

Media Releases/Spokespersons

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be consulted.

Media releases will require certification by the Chief Executive Officer.

Councillors

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

Corporation Employees

During the election period no Corporation employee may make any public statement that relates to an election issue unless prior approval has been obtained by the Chief Executive Officer or his or her delegate.

6. Roles and Responsibilities

The following positions are responsible for approving, implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy and procedures:

Implementation	Chief Executive Officer
Compliance	All employees and Board Members
Development/Review	Chief Executive Officer
Interpretation/Advice	Chief Executive Officer

7. Supporting Documents

This Policy should be read in conjunction with all other relevant Corporation policies and procedures, as well as relevant legislative requirements.

8. Human Rights Charter

This policy has been considered in relation to the *Victorian Charter of Human Rights and Responsibilities Act 2006* and it has been determined that it does not contravene the Charter.

9. Monitoring, Evaluation and Review

This policy will be reviewed every four years or as required by the Act.

10. Non-compliance, Breaches and Sanctions

Failure to comply with this policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action and potential legal ramifications.

11. Approval



Board Chair

10 September 2020

Date Approved

