

Election fact sheet:

Election period reminders for sitting councillors

The election period, often referred to as **caretaker period**, is the period that starts from the last day that nominations to be a candidate can be received and ends at 6pm on Election Day.

The election period for the 2024 local council elections will commence at **12pm noon on Tuesday 17 September** and end at **6pm on Saturday 26 October**.

During an election period, local councils go into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.

While all Councillors still undertake their day-to-day duties until 6am on Election Day, they must be mindful that there will be significant changes to their access to council information and resources during the election period.

Election Period policy provides guidance

Council's election period policy, which must form part of Council's Governance Rules, will provide more detail and guidance to Councillors around what they can and cannot do during the election period.

This fact sheet is designed to highlight some common issues across councils; however, these examples *are not exhaustive* and do not reflect the breadth and diversity of content in Governance Rules across the State.

Decision making during the election period

Prohibited decisions

Under section 69 of the Act, Council is prohibited from making any decision during the election period that:

- relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO
- 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
- the Council considers could be reasonably deferred until the next Council is in place
- the Council considers should not be made during an election period (Inappropriate decisions)

Scheduling consideration of prohibited decisions

The CEO will as far as possible, ensure that prohibited decisions are either:

- considered prior to the commencement of the election period; or
- deferred where appropriate for determination by the incoming Council; and
- the order of business for any Council Meeting scheduled during the election period does not include any matters requiring prohibited decisions or matters that could be considered prohibited decisions

Inappropriate decisions

Inappropriate decisions are defined as meaning

- decisions that could affect voting in an election
- decisions that may unreasonably bind an incoming Council and could reasonably be made after the election

Some examples of inappropriate decisions that must be avoided during the election period are:

- acquisition or disposal of land
- adoption or amendment of Planning Scheme
- adoption or amendment of council policies, strategies, master plans or frameworks
- adoption or amendment of the Council Plan
- adoption of a revised budget
- adoption or amendment of a Local Law
- allocation of grants or awards to individuals or organisations
- appointing representatives to Council committees
- endorsing submissions to government or public bodies
- employment matters pertaining to the CEO
- entering into major contracts or entrepreneurial agreements
- entering into agreements (excluding an Enterprise Agreement), deeds or leases
- reviewing of programs or service provision
- any other decision that the CEO considers should be made outside of the election period

Use of Council resources

Council resources, including offices, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with an election.

Councillors must not use Council resources in connection with any activities associated with any election campaign.

Councillor Correspondence

A key part of the role of a Councillor is to engage with members of the community, including responding to any correspondence received. While this must continue during the election period, it is important that Officers are not perceived as providing Councillors any undue advantage over other candidates.

During the election period, any responses prepared by Council in response to correspondence addressed to a Councillor should be signed by the CEO or relevant staff member as appropriate.

Use of Council equipment and services by Councillors

The use of council resources to print and publish electoral material other than election information is a breach of s304(2) of the Act, with a penalty of 60 penalty units. Councillors must understand that the following use of council resources could lead to a prosecution:

- photocopying, scanning or printing for election campaigning purposes by Councillors on Council equipment
- the preparation or production of any materials associated with a candidate's election campaign by an Officer
- Council logos, letterheads or other Council branding used for, or linked in any way to a candidate's election campaign
- the use of Council issued mobile phones, computers or email addresses for election campaigning purposes
- use of Council's webpages or social media pages, including the use of links, for any activity related to election campaigning
- distribution or displaying of election material in or on Council facilities, libraries or community noticeboards

- Use of photographs and images paid for by Council or taken by Officers including images of Councillors, Council events and Council owned or maintained infrastructure

Councillors should ensure that any election publication using the title ‘Councillor’ clearly indicates that it is their own material and does not represent Council.

Councillors should also be mindful to manage any perceived conflicts even where a direct expense isn’t incurred, this may include for example:

- where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the
- where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future

election period to confirm that the publication complies with the Act in circumstances where the publication contains electoral matter

- Signing off on all media releases and media responses
- Being the spokesperson of the Council where the issue relates to electoral matters including issues before the voters
- Confirming publication of comments or new content on social media sites (that are managed by Council)
- Approve guest lists to any Council organized event or function during the election period
- Fulfil any speaking requirements at aforementioned functions
- Sign any responses prepared by the administration in response to correspondence addressed to a Councillor, acknowledging the CEO is responding due to limitations imposed upon Councillors during the election period

Responsibilities for Chief Executive Officers

During the election period, there are additional responsibilities required of Council CEOs. These include:

- Reviewing all publications produced and distributed by the Council during the

Need more advice about the Election Period?

Your CEO and Governance staff will be able to provide councillors with advice about how your own Council’s Governance Rules regulate activities during the election period.



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Local Government Inspectorate

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