

# Councillor Candidates at Federal or State Elections Policy

Corangamite Shire

March 2022



**CORANGAMITE  
SHIRE**

# Council Policy



## Councillor Candidates at Federal or State Elections Policy

### Purpose

This policy outlines Council's expectations of a Councillor who is, or seeks to become, a prospective candidate or a nominated candidate in a State or Federal Election.

Compliance with this policy will allow for Councillors to avoid the appearance that they are improperly using their position as a Councillor as a platform for their election campaign in a State or Federal election.

The policy adopts expectations of Councillors to avoid actions and decisions that could be interpreted as inappropriate. It also establishes the expectation that Councillors will not inappropriately use Council resources.

### Scope

This policy applies to all Councillors who become or seek to become a Prospective Candidate or Nominated Candidate in a State or Federal Election.

### Definitions

|                               |   |
|-------------------------------|---|
| <b>Campaigning</b>            | Undertaking activities in furtherance of an election campaign.  |
| <b>CEO</b>                    | Chief Executive Officer.  |
| <b>Election</b>               | A Federal or State or Territory election, or a by-election for any of the Commonwealth's parliaments.   |
| <b>Election Campaign</b>      | The period of time proceeding an election where a candidate undertakes activities to persuade people to vote for them.                              |
| <b>Electoral Commission</b>   | Either the Australian Electoral Commission, or a State or Territory Electoral Commission, such as the Victorian Electoral Commission.               |
| <b>Formal Nomination Date</b> | Date set by the relevant electoral commission at which nominations to be candidates in an election close.   |
| <b>Nominated Candidate</b>    | A Councillor who nominates as a candidate for a State or Federal Election. This is generally in the immediate weeks prior to the relevant election. |

### **Prospective Candidate**

A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a State or Federal Election. This generally during the period of time prior to the formal nomination period.

### **References**

Councillor Code of Conduct

Governance Rules

*Local Government Act 2020* (VIC)

MAV Guidelines on Councillors standing for State or Federal Elections

### **Policy Detail**

#### **Councillors to declare their candidacy**

As soon as practicable, a Councillor who becomes a Prospective Candidate or a Nominated Candidate for a State or Federal Election must provide written advice to the CEO. Upon receiving advice that a Councillor has become a Prospective or Nominated Candidate, the CEO will, as soon as practicable, provide written advice to all councillors.

A Councillor who is a candidate for a State or Federal Election should declare this at a meeting of the Council as soon as practicable after the formal nomination date.

#### **Leave of absence**

A councillor who formally nominates as a candidate for a State or Federal Election with a State or Federal electoral commission should apply for leave of absence from the Council. This leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the Election and conclude no earlier than the close of voting for the relevant Election.

During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor, notwithstanding attending a meeting of the Council for the sole purpose of declaring their candidacy.

Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate, or who intends to become a Nominated Candidate, should consider this as a reasonable request and approve that application.

#### **Election of an acting Mayor**

If a Councillor who formally nominates for a State or Federal Election holds the Office of Mayor, the Deputy Mayor will serve as acting Mayor for a period no longer than the Mayor's leave of absence.

### **Improper use of Position by Councillors**

Section 123 of the *Local Government Act 2020* provides it an offence for a Councillor to intentionally misuse their position to gain or attempt to gain an advantage for themselves or for any other person by, inter alia, making improper use of information acquired as a result of their position, and using public funds or resources in a manner that is improper or unauthorised.

A Councillor who is a Prospective or Nominated Candidate should:

- Take care to declare conflicts of interests that may pertain to their conflicting role as a candidate.
- Take care to differentiate between their role as a State or Federal Election candidate and their role as a Councillor when making public comment.
- Not participate in any way in the processes of Council relating to a matter before Council if the candidate is campaigning on the said matter.
- Avoid campaigning on (through opposition or taking credit for) Council decisions.
- Take all reasonable steps to avoid the appearance that they are using their position as a Councillor as platform to promote or further their candidacy.

### **Council Resources and Activities**

A Councillor who is a Prospective Candidate or a Nominated Candidate must not use Council resources in connection with an election campaign. These include, but are not limited to, officers and support staff, hospitality services, mobile phones, computers, tablets, stationary, printers, vehicles, paper, council publications, council provided email addresses, council facilities, and photographs taken at or for official Council business.

A Councillor who is a Prospective Candidate or a Nominated Candidate. Should not use council activities, including council meetings, events, network meetings and council-related external activities in relation to their candidacy.

### **Resignation of Office upon successful candidacy**

Section 34(2)(a) of the *Local Government Act 2020* specifies a person is not qualified to be a Councillor and ceases to hold the Office of Councillor if they are a member of the Victorian Parliament, the Commonwealth Parliament, or of another State or Territory of the Commonwealth's Parliament. Therefore, a Councillor must resign immediately if their candidacy in a State or Federal Election is successful.

### **Review Date**

March 2025

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.