

<b>Policy number</b>	Policy 011
<b>Policy title</b>	Elections
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## Policy objective:

The objective of this policy is to:

- prevent the making of major decisions that would bind an incoming Council prior to an ordinary election
- prevent the use of public resources in ways that are, or are perceived to be, advantageous to or promoting the sitting elected members that are seeking re-election, or new candidates
- ensuring the Town of Victoria Park administration acts impartially in relation to all candidates.

## Policy scope:

This policy applies to elected members, candidates for election and Town employees in the period leading up to and during an election.

This policy does not apply to an extraordinary election, unless that election is for four or more of the elected members.

## Policy definitions:

**caretaker period** for local government elections, from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day,

**community engagement** means the process of providing stakeholders with opportunities to be informed, consulted and engaged in relation to a proposed decision of the Town.

**election day** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**electoral material** has the meaning given to it in section 4.87 of the *Local Government Act 1995* but does not include any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election. Without limiting the generality of the definition of 'electoral material', material will be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a. the election
- b. a candidate in the election
- c. an issue submitted to, or otherwise before, the voters in connection with the election.

**election sign** has the meaning given to it in the *Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.

**events and functions** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Town and its

stakeholders and may take the form of launches, promotional activities and social occasions such as dinners and receptions.

**extraordinary circumstances** mean a situation that requires a major decision of the Council because the Chief Executive Officer's opinion is that:

- a. the urgency of the issue is such that it cannot wait until after the election;
- b. legal and/or financial repercussions are possible if a decision is deferred; and/or
- c. it is in the best interests of the Town, community or impacted stakeholders for the decision to be made as soon as possible.

**major decision** means any:

- a. decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or to suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election;
- b. decisions relating to the Town entering a sponsorship arrangement unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the sponsorship arrangement;
- c. decisions relating to the Town entering into a major trade undertaking or major land transaction as defined by Section 3.59 of the *Local Government Act 1995*;
- d. decisions that would commit the Town to substantial unbudgeted expenditure;
- e. decisions that result in actions which the Chief Executive Officer's considers significant and unplanned, such as that which might be brought about through a Notice of Motion by an Elected Member;
- f. decisions that, in the Chief Executive Officer's opinion, will have significant impact on the Town or the community;
- g. the adoption, repeal or substantial amendment of a policy, including local planning policy, a local law or local planning scheme;
- h. reports requested or initiated by an elected member, candidate or member of the public that, in the Chief Executive Officer's opinion, could be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**media** includes publications, advertising, social media, the website and videos.

**substantial unbudgeted expenditure** means expenditure not included in the annual budget that exceeds 0.5% of the Town's annual budgeted revenue (inclusive of GST) in the relevant financial year.

## Policy statement:

### Caretaker period

1. The ordinary election of the Council is the most significant decision made by the community and sets the direction of the Town into the future. It is important that the Town allows for a free and open election without interference from the Town and the decisions it needs to make. In order to achieve this, prior to an ordinary election of Council, a caretaker period shall apply during which:
  - a. no major decisions should be made except in extraordinary circumstances;
  - b. no community engagement should occur except where required by law;
  - c. no media engagement should be occur that promotes or could be seen to promote elected members who are seeking re-election.

## Major decisions

2. To give effect to clause 1.a., the Chief Executive Officer should:
  - a. avoid scheduling major decisions for consideration during the caretaker period;
  - b. ensure any major decisions made prior to the caretaker period are announced prior to the beginning of the caretaker period;
  - c. if a decision (including a Council report, committee recommendation or notice of motion) could be considered a major decision include information in that report explaining that the decision could be a major decision and result in a breach of this policy.
3. Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a caretaker period, the Council may, where the substantive officer is on leave, appoint an Acting Chief Executive Officer, or in the case of an emergency, suspend the current Chief Executive Officer (in accordance with the terms of their contract) and appoint a person to act in the position of Chief Executive Officer, pending the election, after which date a permanent decision can be made.

## Community engagement

4. To give effect to clause 1.b., the Chief Executive Officer should:
  - a. ensure that all community engagement is finished prior to the caretaker period or scheduled to begin after the election;
  - b. where community engagement needs to be conducted, ensure the community engagement could not be perceived to be about an election issue or otherwise influence the outcome of the election;
  - c. where a proposed decision (including a Council report, committee recommendation or notice of motion) could result in a need for community engagement, including information in that report explaining the decision could result in the need for community engagement and result in a breach of this policy.
5. This policy does not prevent any mandatory public consultation required by the *Local Government Act 1995*, *Planning and Development Act 2005* or any other relevant law, the Town must undertake to fulfil its statutory functions.

## Events and functions

6. Elected members may continue to attend events and functions hosted by external bodies during the caretaker period.
7. Elected members that are also candidates are not be permitted to make speeches or addresses at events/functions organised or sponsored by the Town and community engagement events during the caretaker period.

## Media

8. To give effect to clause 1.d., the Chief Executive Officer should ensure that:
  - a. any reference to elected members in Town media distributed during the caretaker period must not include promotional text relating to the elected members. Any of the Town's media that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure any circulated, displayed or otherwise publicly available material does not contain material that may be construed as 'electoral material' during the caretaker period;

- b. the Town's website doesn't contain any material which is precluded by this policy during the caretaker period. Any references to the election will only relate to the election process. Information about elected members will be restricted to names and contact details;
  - c. the Town does not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Town, any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the caretaker period.
9. Candidates and/or elected members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Town.
10. This policy does not prevent publications by the Town which merely announce the holding of the election or relate only to the election process itself or a required to be published by the Town relating to the election pursuant to the Act and electoral regulations.
11. During the caretaker period, elected members shall ensure their allocated business cards are used only for purposes associated with the normal role of an elected member in servicing the community. Elected member business cards shall not be used in a manner that could be perceived as an electoral purpose.
12. The use of photographs or articles featuring elected members whose terms of office expire at the next ordinary election shall not be used in any media funded by the Town in the period starting from 1 August to Election Day, in the year of the ordinary election, with the exception of their portraits on display at the various Town venues, the Town website and in each edition of the Town's newsletter during that period.
13. Any requests for media advice or assistance from elected members or candidates during the caretaker period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves elected members seeking re-election. If satisfied that advice sought by an elected member during the caretaker period does not relate to the election or publicity involving any elected members seeking re-election, the Chief Executive Officer may authorise the provision of a response to such a request.

### Promotion of an election

14. Despite clauses 9 – 14, For any election, inclusive of local, state and federal elections, the Town should:
  - a. encourage the community to ensure their enrolment is up to date;
  - b. promote the call for candidates to nominate for local government elections;
  - c. encourage all electors to vote.
15. This promotion should be through the channels of communication determined by the Chief Executive Officer and should focus on encouraging and reaching as many demographic groups in the Town as possible.
16. The Town should endeavour to hold a candidate information session for all ordinary local government elections, which may be held jointly with other local governments.

### Use of Town resources

17. The Code of Conduct for Council Members, Committee Members and Candidates prescribes that Town resources are only to be used for Council business. Town Resources must not be used for electoral purposes. The Town's resources, including officers, support staff, hospitality services, equipment and stationery should be used exclusively for normal Town business. This prohibition applies to any form of election, including local, state or federal.
18. Elected members will not use or access Town employees or resources to gain media attention in support for their, or any other candidate's, election campaign, including local, state or federal elections.

## Elected Member Access to Information

19. During the Caretaker Period, Elected Members can access Council information relevant to their role as an elected member. Any Council information accessed must not be used for electoral purposes.

## Election signs

20. Election signs cannot be erected, left or otherwise displayed on Town property such as parks and reserves, administrative facilities or recreation facilities.
21. Election signs can be displayed on throughfares subject to obtaining a permit under the Town of Victoria Park *Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.
22. In the event election signs are in a place they are not permitted, the Chief Executive Officer or persons authorised by them, will remove the signs and dispose of them in an environmentally sustainable way and, if appropriate, an infringement should be issued.
23. The Chief Executive Officer will ensure the requirements of clauses 21 - 23 relating to election signs are communicated to candidates as soon as possible after the close of nominations.
24. Clauses 21 - 23 apply to any election including a local government election, state election or federal election including any by-election or extraordinary election.

## Electoral rolls and rates roll

25. In accordance with the *Local Government (Election) Regulations 1997*, candidates and elected members may obtain copies of the electoral roll from the Chief Executive Officer or Returning Officer.
26. In accordance with the *Local Government (Administration) Regulations 1996* a person can inspect or obtain a copy of the rates roll or owners and occupiers roll at any time from the Town however they:
  - a. must provide a statutory declaration that they will not use this information for commercial purposes; and
  - b. pay any fees or charges set in relation to obtaining a copy.

## Related documents

[Local Government Act 1995 ~~\(WA\)~~](#)

[Local Government \(Elections\) Regulations 1997](#)

[Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000](#)

[Code of Conduct for Council Members, Committee Members and Candidates](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	November 2022

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/07/2021	Council	166/2021	Item 15.4