

Nomination in a State or Federal Election Policy

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1 Document Information

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RESPONSIBLE GENERAL MANAGER	General Manager Corporate Services
RESPONSIBLE MANAGER (Policy Owner)	Manager Governance
APPROVED/ADOPTED BY	Council
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2 Purpose

This policy outlines a framework to guide a Councillor/s who becomes a Prospective Candidate and Nominated Candidate in a State or Federal Election.

This policy aims to address any perception that their position as a Councillor is being used as a platform for their campaign in the relevant State or Federal election.

3 Definitions

Term in bold	Replace with definition
Councillor	means a person who holds the office of a member of Kingston City Council
KYC Magazine	means Kingston Your City magazine which is the official quarterly journal of the City of Kingston
Prospective candidate	means 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
Nominated candidate	a Councillor who nominates as a candidate for a State or Federal election with the relevant electoral commission
Nomination date	means the formal period to which candidates must nominate with the relevant electoral commission for the state or federal election
Election	the election, or a by-election for either the Victorian State parliament or Federal parliament

4 Scope

This Policy applies to all Councillors where a Councillor becomes a Prospective candidate and Nominated candidate to contest a State or Federal seat covering an area located wholly or partly within the municipal boundaries of the City of Kingston.

5 Policy Details

5.1 Councillor to declare their candidacy in an election

A Councillor who becomes a Prospective candidate, will as soon as practicable, advise the CEO in writing, who will then advise all Councillors in writing.

The CEO will report to Council at the next Council Meeting the fact of the Councillor's intention or nomination.

5.2 Leave of absence

A Councillor who becomes a Nominated Candidate for a State or Federal election should apply for leave of absence from the Council and 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 (Nomination Date) and conclude no earlier than the close of voting for the election. A leave of absence is good practice consistent with the Municipal Association of Victoria Guidelines and advice provided by Local Government Victoria.

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. This includes being present at Council Meetings, Delegated Committee Meetings and Councillor Briefings.

5.3 Improper Use of Position by Councillors

Sections 123 – 125 of the Local Government Act 2020 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties, including possible imprisonment.

A Councillor who is a Prospective or Nominated candidate for State or Federal election must not participate in any way in the decision-making processes of the Council, where they are campaigning in relation to a matter before the Council. This includes being present at Council Briefings, Council Meetings and interacting with council officers on the matter.

A campaign means where a Councillor makes public their views as a Prospective or Nominated candidate on a matter before the Council (before or after it has been resolved) by way of letters, fliers, social media posts and other communication avenues.

A Councillor who is a Prospective or Nominated candidate should at all times avoid campaigning on (opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position.

5.4 Council Resources and Activities

The same provisions as outlined in the Council's Election Period Policy will apply in respect to the Councillor who is a Prospective or Nominated candidate; this includes no use of Council resources, including Council equipment, particularly telephones, mobile phones, logos, letterhead, mail and publications in relation to their candidacy. A Councillor who is a Nominated candidate is prohibited from accessing or being given access to Council information that is not available to the public during their leave of absence (unless it is information required by the Councillor to fulfill their responsibilities as a Councillor and is not the subject of an issue to the election). This includes access to their Councillor email and online portal.

A Councillor, who is a Prospective or Nominated candidate should not use Council related activities, including Advisory Committee meetings and Ward Meetings in relation to their candidacy.

Consistent with Council's Ward Meeting Policy, no Ward Meetings will be held within six months before an Election or the latest potential date for a Federal Election.

A Councillor who is a Prospective or Nominated candidate will not be permitted to appear in Kingston Your City nor will they be permitted to have a ward column printed in the edition immediately preceding the State or Federal election they are contesting.

5.5 Media Advice

No media advice or assistance will be provided in relation to Election issues or publicity that involves a Councillor standing as a candidate in an Election.

Consistent with Council's Media and External Communications Policy, Media and External communications issued by Council are not to be used for political advantage by Councillors who are candidates in an Election.

Media releases will not refer to specific Councillors in their capacity as candidates. Councillors standing as candidates are not eligible to be Council's official spokesperson. Council will nominate an alternate Councillor to be Council's spokesperson where required.

Councillors will not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing in an Election.

Photos of and references to Councillors standing as candidates will only feature in Council's publications where it is related to usual Council business, functions or events.

Speeches will continue to be prepared for the Mayor's official functions and if requested, speeches will be distributed to the media at the discretion of the CEO. During this time the Mayor and Deputy Mayor will not delegate to any Councillor who is standing as a candidate any responsibility to represent him or her them.

5.6 Councillor candidates commenting on Council issues

Where a Councillor speaks on Council issues as a candidate in an Election, the Councillor should clearly identify that they are speaking as a candidate and not as a Councillor.

5.7 Councillor requests

Customer requests escalated from Councillors in their capacity as a candidate rather than a Councillor must be referred to the CEO in writing for action.

6 Delegation Authority and Decision Guidelines

6.1 Delegations/Authorisations

Nil.

6.2 Exemptions

Nil.

6.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

7 Related Documents and Resources

Legislation

- Local Government Act 2020

City of Kingston Documents

- Councillor Code of Conduct
- Council Expenses Policy
- Election Period Policy
- Media and External Communications Policy
- Ward Meetings Policy

Resources / External Documents

- Municipal Association of Victoria – Candidate of Councillors in a State or Federal Elections 2021 https://www.mav.asn.au/_data/assets/pdf_file/0008/28844/Candidature-of-councillors-in-state-or-federal-elections-2021-MAV-Guidelines.pdf

8 Transition arrangements

Nil

9 Administrative Updates

It is recognised that from time to time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such as a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a State or Federal Government department and a minor update to legislation which does not have a material impact. However any change or update which materially alters this document must be by resolution of Council.