



**CORANGAMITE
SHIRE**

Councillor Candidates at Federal or State Elections

Corangamite Shire

June 2018

Council Policy



Councillor Candidates at Federal or State Elections

Introduction

Council is committed to ensuring it maintains high governance standards, particularly in relation to conflict of interest, the use of Council resources and Councillor conduct.

Purpose

This policy provides guidance for Councillors nominating as candidates for Federal or State elections.

It is anticipated that by complying with this policy, Councillors will avoid improper use of their position during a personal Federal or State election campaign.

Scope

This policy applies to all Councillors and Council officers.

It is recognised that advocacy by Council on behalf of the Corangamite community during election campaigns is a necessary activity, and is separate to electioneering activities by candidates standing for election to Federal or State Parliament.

Definitions

Nominate	The process by which a person nominates as a candidate in a Federal or State election with the relevant electoral commission.
Nominated Candidate	A Councillor who has nominated to stand for election to Federal or State Parliament during the nomination period prior to a Federal or State election.
Nomination Date	The date on which the Nominated Candidate lodges their nomination for election with the relevant electoral commission.
Pre-selection	The process by which a person is selected, usually by a political party, as a candidate for Federal or State election.
Prospective Candidate	A Councillor who intends to nominate for election, including a Councillor running for pre-selection or has been pre-selected by a political party.

References

Local Government Act 1989

Candidature of Councillors State or Federal Elections Policy Position, Municipal Association of Victoria

Policy Detail

Notification of Prospective Candidacy

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 Federal or State election (a Prospective Candidate), should provide written advice to the CEO as soon as practicable.

Once advice has been received, the CEO will notify all Councillors of the prospective candidacy.

A Councillor who is a Prospective Candidate should also declare his/her intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO.

Council Business

The *Local Government Act* prohibits a councillor from misusing their position, directly or indirectly, to gain an advantage for themselves. A councillor who is a Prospective Candidate or a Nominated Candidate should take all reasonable steps to avoid the appearance that their position as a councillor is being used as a platform in their election campaign. This includes improper use of information acquired as a result of their position as a councillor, and disclosing information that is confidential information in accordance with the *Local Government Act*.

A councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between his/her activities related to their candidacy and their role as a councillor when making public comment. In particular, comments made to the media in their capacity as a councillor should be limited to matters concerning Council, and not be made in a manner that furthers their platform in their election campaign.

A councillor who is a Prospective Candidate or a Nominated Candidate should not use Council activities, including committee meetings and Council-related external activities, in relation to his/her candidacy.

Council Resources

Council resources, including (but not limited to) equipment (e.g. iPhones and iPads), photographs, stationery, and facilities, should not be used by a councillor who is a Prospective Candidate or a Nominated Candidate in relation to his/her candidacy.

Council officers will not undertake any tasks, including research, media advice, or assistance, to a councillor who is a Prospective Candidate or a Nominated Candidate in relation to their candidacy or election campaign.

Leave of Absence for Nominated Candidates

A Councillor who nominates as a candidate for a Federal or State election (a Nominated Candidate), should apply for leave of absence from Council. The 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.

Section 66B of the *Local Government Act 1989* will apply to a Councillor taking leave of absence to stand for Federal or State election.

A Councillor who is on a leave of absence as a Nominated Candidate should not attend meetings or briefings of the Council or otherwise act as a councillor. However, they should continue to receive information from Council officers as if no leave of absence was in place.

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, must not unreasonably refuse the application.

Reference to linked Procedure or Guidelines

Councillor Code of Conduct

Review Date

June 2022

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