

Supporting Background Information

Election Period Policy – Section 6 of Council's Governance Rules.

Proposed changes/Inclusions

Policy Alignment

The Election Period Policy is a statutory requirement under the *Local Government Act 2020*.

The Policy assists Councillors, candidates, and Council staff to understand the importance of having open and ethical processes which adhere to the law and stand up to scrutiny.

Review

A review of the Election Period Policy has been undertaken prior to the upcoming 2024 Greater Dandenong City Council General Election.

The Policy has been rewritten in its entirety to provide greater transparency and accountability by Council, Councillors and staff.

Proposed Changes

The proposed changes include the modification (suspension) of certain procedures at Council meetings during the election period, to mitigate the risk of:

- (a) Council publishing electoral matter; and
- (b) intended or unintended electioneering by Councillors, candidates or others.

The procedures recommended for suspension include Notices of Motion, Public Question Time, Delegate/Councillor Reports, Correspondence, Petitions/Joint Letter and Councillor Question Time.

Rationale

The Election (Caretaker) Period commences on Tuesday 17 September 2024 and concludes at 6pm on Saturday 26 October 2024.

The last Council meeting prior to the commencement of the Election Period is scheduled to be held on 9 September 2024. The Election period Policy will be applied to the meetings scheduled for the 23 September and 14 October.

While it is proposed to suspend the submission of Notices of Motion during the Election Period, Councillors will still be able to propose motions as an item of Urgent Business, subject to the motion meeting the criteria of Urgent Business on the majority vote of the Council.

Petitions and Joint Letters (by their very nature) and correspondence are more than likely to be, or become, an election issue. It is therefore recommended that presentation and receipt of also be suspended during the election period (noting they can be submitted to the administration).

Questions by Councillors should be directed to the administration during the Election Period, as opposed to being asked at the Council meeting, thus removing any risk of electioneering or electoral matters being raised during Council meetings held during the Election Period.

While questions/statements from the public are reviewed prior to the meeting, by suspending public question time this also removes any risk of electioneering or electoral matters being raised during Council meetings held during the Election Period.

Key Inclusions

- a) Other decisions that will be avoided during the Election Period (in addition to those prohibited under the Act).
- b) Considerations for officers making delegated decisions.
- c) Suspension of the following protocols at Council meetings during the Election Period:
 - Audio and livestream recordings on Council's website (*no statutory requirement to make available and will be uploaded at the conclusion of the Election Period*). Note: meetings will continue to be livestreamed in 'real-time'.
 - Notices of Motion by Councillors. Note: Motions can still be submitted under Urgent Business provided that they adhere to Council's Governance Rules.
 - Public Question Time
 - Questions by Councillors
 - Correspondence
 - Reports by Councillor Delegates
 - Tabling of Petitions and Joint Letters
- d) Addition of protocols for Council Advisory, Reference Committees and Working Groups, Councillor representation on external committees and Councillor Briefing sessions.
- e) Process for review and approval of Council publications included.
- f) Clarity around the information that will be provided on Council's website.
- g) Reference to Protocols having been developed for managing Council's corporate social media and online channels included.
- h) Additional information around public events staged by external bodies, speeches and keynote addresses and publication of promotional material.
- i) More detail provided around use of Council resources.
- j) Information included about election process related enquiries.
- k) More detail added regarding misuse of position and breaches.
- l) Addition of provision allowing administrative updates without the need for Council resolution.
- m) Addition of related legislation and documentation.

Local Government Amendment (Governance and Integrity) Bill 2024

On Tuesday 30 April 2024, the *Local Government Amendment (Governance and Integrity) Bill 2024* was introduced to Parliament. It includes reforms to strengthen council leadership, capability and councillor conduct, improve early intervention and effective dispute resolution and strengthen oversight mechanisms.

The only impact the proposed changes will have on the Draft Policy relate to section 15, 'Suspension of matters during the election period'. The Act currently states that any applications made, or proceedings before a Councillor Conduct Panel or the VCAT regarding *serious* or *gross misconduct* of a person who is a Councillor, must be suspended during the election period. The Bill proposes this be extended to include

applications made for and internal arbitration processes regarding *misconduct*.

The Bill also changes the close of the roll for the upcoming October 2024 Local Government Elections to 7 August 2024 (from 30 August). By moving this date forward other key dates such as the opening and closing of nominations and the date for ballot pack mail-outs can also be brought forward through the *Local Government (Electoral) Regulations 2020*.