



COUNCILLOR GUIDELINES

PRE-SELECTION OR NOMINATION AS CANDIDATE IN FEDERAL OR STATE ELECTION

These Guidelines were approved by resolution of Darebin City Council on 5 May 2014

1. Purpose of the Guidelines

- 1.1 The purpose of the Councillor Guidelines – Pre-selection or Nomination as Candidate in Federal or State Election (**Guidelines**) is to:
 - 1.1.1 outline Council's expectations of a Councillor who gains pre-selection, or otherwise nominates, as a candidate for a seat in a Federal or State election; and
 - 1.1.2 provide guidance for Councillors who gain pre-selection, or otherwise nominate, as a candidate for a seat in a Federal or State election on their behaviour during the course of their pre-selection or nomination and the relevant election period.
- 1.2 By complying with these Guidelines, it is expected that Councillors will avoid the appearance that their position as a Councillor is being used as a platform for their campaign in the relevant Federal or State election.

2. Scope

- 2.1 The Guidelines apply to all Councillors and operates in conjunction with, Council's Councillor Code of Conduct.
- 2.2 The Guidelines apply to pre-selection or nomination as a candidate for a seat in a Federal or State election.
- 2.3 The term 'pre-selection' is used in the Guidelines to refer to the process by which a person is selected, usually by a political party, as a candidate in a Federal or State election.
- 2.4 The term 'nominate' is used in the Guidelines to refer to the process by which a person nominates as a candidate in a Federal or State election, otherwise than through a process of pre-selection, for example, by nominating as an independent candidate.

3. Notification

- 3.1 A Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election will, as soon as practicable after becoming aware of that pre-selection or nomination, notify Council of their pre-selection or nomination by delivering written notice to Council's Chief Executive Officer (**CEO**).
- 3.2 The fact of the Councillor's pre-selection or nomination will be reported to Council by the CEO at the next Ordinary Meeting of Council.

4. Leave of Absence

- 4.1 To avoid any appearance that their position as a Councillor is being used as a platform for their campaign in a Federal or State election, a Councillor who gains pre-selection, or otherwise nominates, as a candidate in such an election:
 - 4.1.1 should apply for leave of absence from Council commencing no later than the date of their nomination as a candidate with the relevant electoral commission and concluding no earlier than the close of voting for the relevant election; and
 - 4.1.2 may choose to take a leave of absence from Council for such longer period as they see fit.

4.2 Such a leave of absence is to be sought in accordance with the processes ordinarily adopted by Council and cannot, in accordance with section 69(2) of the *Local Government Act 1989*, be unreasonably refused by Council.

4.3 A Councillor should not, during the period of a leave of absence under clause 4.1, attend Council meetings or otherwise act as a Councillor.

5. Conduct of Council Business

5.1 When a Councillor gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election, they should take all reasonable steps to avoid the appearance that their position as a Councillor is being used as a platform in their campaign in the relevant election.

5.2 When undertaking activities in their role as a Councillor, a Councillor will take care to ensure that:

5.2.1 items of general business introduced onto the Agenda of an Ordinary Meeting of Council by the Councillor;

5.2.2 notices of motion submitted by the Councillor; and

5.2.3 the Councillor's communications with people and bodies, within and external to Council,

relate to the objectives, role, functions and powers of Council and are not designed to further the Councillor's platform as a candidate in, or position with respect to, the relevant election.

5.3 A Councillor should take particular care when:

5.3.1 considering planning matters before Council in its role as a responsible authority under the *Planning and Environment Act 1987*;

5.3.2 undertaking a consultation or advocacy role on behalf of members of the community, community groups or other interest groups; and

5.3.3 representing Council in communications with Federal or State Government entities.

5.4 At no point should a Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election use their position as a Councillor to further their platform as a candidate in the relevant election.

6. Council Resources

Councillors have access to a wide range of Council resources for use in their role as Councillors, including, but not limited to, the following:

6.1 offices and meeting rooms;

6.2 support staff;

6.3 hospitality services;

6.4 stationery; and

6.5 equipment and facilities (such as mobile telephones, iPads and cab charge cards).

A Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election should ensure that Council resources are not used to further their platform as a candidate in, or in any manner connected with, the relevant election.

7. Council Information

Councillors have access to a wide range of information that is necessary for the purposes of fulfilling their role and functions as a Councillor. It is important that a Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election continues to receive that information.

A Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election should ensure that information received from Council is used only for the purposes for which it is provided and is not used in a manner that furthers their platform as a candidate in, or is connected with, the relevant election (except to the extent that such information is already in the public domain).

8. Media Opportunities

8.1 Councillors are often approached by the media (print, broadcast or otherwise) to provide comment on matters of Council business. Councillors also, from time to time, approach the media to provide such comment unsolicited.

A Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election should ensure that any comment made to the media in their capacity as a Councillor is limited to matters concerning Council and is not used in a manner that furthers their platform as a candidate in, or is connected with, the relevant election.

8.2 Council will often arrange media opportunities to promote Council activities and services.

A Councillor who gains pre-selection, or otherwise nominates, as a candidate in a Federal or State election should ensure that they do not use such a media opportunity to further their platform as a candidate in, or in any manner connected with, the relevant election.

9. Review

These Guidelines will be reviewed in December 2014, unless Council determines, by resolution, that they should be reviewed sooner.