

FEDERAL AND STATE ELECTIONS POLICY

1.0 Purpose

The purpose of the Federal and State Elections Policy (this policy) is to outline City of Ballarat's expectations of Councillors who are prospective or nominated candidates in a Federal or State election.

This policy provides guidance to ensure that City of Ballarat resources are not misused in connection with a candidacy in the relevant Federal or State election.

This policy assists City of Ballarat to ensure the good governance of Council prior to and in a Federal and State election campaign period.

Ensure Councillors and officers act in the best interests of the community during Federal or State elections, whilst undertaking normal business, including the pursuit of legitimate advocacy in an unbiased manner.

Ensure that public resources, including staff resources, are not used in Federal and State election campaigning or in a way that may improperly influence the result of a Federal and State election, or improperly advantage existing Councillors as candidates in the Federal and State election.

2.0 Scope

This policy applies to all Councillors who become a prospective candidate or a nominated candidate to contest a Federal or State seat covering an area located wholly or partly within the municipal boundaries of the City of Ballarat.

This policy is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act 2020* (the Act) in relation to federal and state election periods.

3.0 Policy Statement

3.1 Councillor to declare their candidacy in an election

A prospective candidate should provide written advice of their candidacy to the Chief Executive Officer (CEO) as soon as practicable. The CEO must inform all Councillors in writing of the candidacy

A Councillor who is a prospective candidate should declare their intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO.

3.2 Leave of absence

A nominated candidate should apply for a leave of absence from the Council. 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.

Such a leave of absence is to be sought in accordance with the process adopted in City of Ballarat's Governance Rules.

Whilst taking a leave of absence, the Councillor who is a nominated candidate must not attend Council meetings, briefings, and any Committee meetings, or otherwise act as a Councillor.

If there is no Deputy Mayor at the time that the Mayor takes a leave of absence, or if both the Mayor and Deputy Mayor are nominated candidates, an Acting Mayor will be elected for the duration of the leave of absence in accordance with the provisions in City of Ballarat's Governance Rules for the election of the Mayor.

3.3 City of Ballarat resources and activities – use by Councillors

A Councillor who is a prospective candidate or nominated candidate must not use City of Ballarat resources in a manner that may be considered as supporting their candidacy.

City of Ballarat resources include but are not limited to:

- office or meeting facilities,
- support staff,
- hospitality services,
- vehicles,
- ICT equipment,
- email addresses,
- telephones,
- mobile phones,
- phone numbers,
- stationery,
- photographs/graphics/videos used for official City of Ballarat business, and
- City of Ballarat branding.

These resources should be exclusively used for normal City of Ballarat business at all times.

A prospective candidate or a nominated candidate should not use City of Ballarat activities, including Council meetings, Committee meetings, events, network meetings, and City of Ballarat related external activities in relation to their candidacy.

3.4 Improper Use of Position by Councillors, Media and Events

Councillors who are a prospective candidate or nominated candidate must take care to differentiate their role as a candidate in an election and their role as a Councillor when making public comments or attending events.

A Councillor who is a prospective candidate or a nominated candidate may continue to attend functions and events, however, should not use these functions and events to influence their

candidacy.

Councillors must at all times avoid campaigning on (whether by opposing or taking credit for) Council decisions in an effort to be seen as misusing or inappropriately making use of their position.

In undertaking this advocacy, Councillors will advocate in an apolitical manner, focusing on the benefit to the Ballarat community.

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. The Mayor will not delegate responsibility to represent the City of Ballarat to any prospective candidate or nominated candidate.

No media advice or assistance will be provided to any Councillor standing as a prospective candidate or nominated candidate in relation to election issues or publicity.

Media releases will not refer to the Mayor or specific Councillors in their capacity as a prospective candidate or nominated candidate.

A Councillor standing as a prospective candidate or nominated candidate will not use City of Ballarat staff and other City of Ballarat resources to gain media attention in support of their election campaign.

Photos of and reference to the Councillor will only feature in City of Ballarat publications where it is related to usual City of Ballarat business.

Where City of Ballarat's 'ourballarat' magazine is due to be issued within six weeks of an election, ward specific news will be held over, and alternative methods of communicating ward news (e.g. advertorial) will be arranged at the conclusion of the election.

3.5 Customer Requests

Customer requests escalated from Councillors in their capacity as a prospective candidate or a nominated candidate in relation to matters pertaining to the Federal or State election rather than as a Councillor must be referred to the CEO or Governance team for advice. Customer requests received relating to the ordinary operation of City of Ballarat will proceed as per normal process.

3.6 Successful Candidate

If successfully elected to another level of government, a Councillor will no longer be qualified to be a Councillor. In accordance with section 34(3) of the Act, a Councillor must immediately give notice in writing to the CEO that they have ceased to be qualified to be a Councillor.

If the Councillor successfully elected to another level of government is the Mayor or Deputy Mayor, an election to appoint a new Mayor or Deputy Mayor will take place following the vacancy being filled.

4.0 Supporting Documents and References

4.1 Legislation

- *Local Government Act 2020*
- *Gender Equality Act 2020*

4.2 Associated Documents

- *Councillor Code of Conduct*
- *Governance Rules*
- *MAV Policy on Candidature of Councillors in State or Federal Elections*
- *Local Government Victoria Bulletin 21/2018 - Victorian State Election*

4.3 Definitions

Act	<i>Local Government Act 2020</i>
Staff	A Staff member includes employees, labour hire agency staff, volunteers and work experience students engaged by the City of Ballarat.
Campaign	Where a Councillor makes public their views as a prospective candidate or a 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.
Election	The federal or Victorian state election, or a by-election for either parliament.
Nomination Day	Date set by the relevant electoral commission at which nominations to be candidates in an election close.
Prospective Candidate	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, generally prior to the formal nomination period.
Nominated Candidate	A Councillor who nominates as a candidate for a State or Federal election. This is generally in the immediate weeks prior to the relevant election.

5.0 Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of federal or state government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

6.0 Policy Owner

Executive Manager Governance and Risk.

7.0 Authorisation

Adopted by Ballarat City Council, on 26 February 2025 (R21/25).