



**Merri-bek**  
City Council

# **Councillors Candidature at State or Federal Elections Policy**

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<b>Responsible Department:</b>	Business Transformation
<b>Responsible Branch:</b>	Governance and Strategy
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## **1. Introduction**

This policy provides guidance to Councillors who propose to nominate or have nominated as candidates in State or Federal elections. It applies to all Councillors who declare their intention to run for such elections, ensuring they understand their responsibilities and obligations during this period.

## **2. Context**

The Model Councillor Code of Conduct (effective 26 October 2024) has replaced previous statutory requirements for Councils to develop their own Codes of Conduct and previous standards of conduct. Councils must now follow the statewide Model Code, though they can still create separate local rules on specific matters if needed.

Previously, Council's Councillor Code of Conduct included locally tailored procedures for Councillors seeking to nominate for State or Federal office. These procedures addressed key issues such as leave of absence, conflicts of interest, and the use of Council resources, aligning with MAV guidelines released in 2021. These guidelines encouraged Councils to incorporate nomination related rules into their Councillor Code of Conduct. However, the new Model Councillor Code of Conduct has rendered Council's previous Councillor Code of Conduct and its specific procedures regarding Councillors nominating for State or Federal elections obsolete.

Despite these changes, Councillors remain bound by fundamental principles of integrity, transparency, avoiding conflicts of interest, upholding Council's reputation and refraining from using their position for personal gain (as per the Local Government Act 2020 and the Model Councillor Code of Conduct). Additionally, Council's existing Election Period Policy within the Governance Rules prohibits the use of Council resources for election campaigns and requires Councillors to clearly distinguish between their Council obligations and personal interests as candidates.

This policy has been developed to reinstate the previous policy/procedure contained within the former Councillor Code of Conduct, to assist with the continuation of clear processes for managing Councillors' nominations as candidates for State or Federal elections.

## **3. Objectives**

The objective of this policy is to provide clear guidance and establish expectations for Councillors who choose to run as candidates in State or Federal elections, whether as Prospective or Nominated Candidates. It aims to:

- Ensure the integrity of Council operations and processes is maintained.
- Promote a clear separation between Councillor duties and campaigning activities.
- Safeguard Council resources and prevent conflicts of interest.
- Uphold compliance with governance standards, including adherence to the Election Period Policy, Governance Rules, and Standards of Conduct.

By reinforcing ethical behaviour, responsible governance and transparency, the policy seeks to protect public trust and confidence in Council operations. Additionally, it outlines procedures for Councillors to declare their candidacy and apply for leave of absence, ensuring their external political pursuits do not compromise their obligations to Council or diminish accountability during election campaigns.

#### **4. Policy details**

A Councillor that has publicly announced their intention to run as a candidate in a State or Federal Election, will be deemed a Prospective Candidate (a Councillor will also be considered a Prospective Candidate if they have been endorsed by a political party and/or are starting to campaign, such as distributing flyers and door knocking etc).

When a Councillor has formally nominated, they are a Nominated Candidate. A Councillor can only become a Nominated Candidate in the weeks prior to the election date.

Regardless of whether a Councillor is a Prospective Candidate or a Nominated Candidate, a Councillor will act in accordance with the Election Period Policy (incorporated in the Governance Rules) including:

- Ensure there is appropriate separation between their role as a Councillor and their activities whilst campaigning, and that there is a demonstrable distinction between obligations to Council and their personal interests as a candidate (or member of a political party). For example, a Councillor cannot tell residents or imply, that they will address Council issues in return for their vote.
- Not improperly use Council resources (phones, emails, business cards, Council photos, staff support, logos) that are provided for Councillor roles. Photographs and images paid for by Council or taken by Council officers are Council resources and cannot not be used in electoral material for any candidate. A Councillor must not use Council equipment and facilities in relation to their candidacy, or use Council resources in a manner that could be perceived as supporting or being connected with a candidate's election campaign.
- Make sure their communications (verbal or written) make it clear that this is the communication of a candidate and not a position of the Council (however a Councillor may refer to themselves as a Councillor in their communications because that is factually true). For example, a Councillor cannot promise Council support to something (whether it is to an issue or a promise of funding) unless that is the resolved position of Council.
- Not use their position of Councillor to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy. This also includes expecting the organisation to give preference to issues raised by the Councillor whilst they are campaigning. The Councillor should continue to direct their requests through to the relevant Director) rather than engaging officers directly.

- Not use Council activities, including committee meetings and Council-related external activities in relation to their candidacy.
- Act in accordance with the Standards of Conduct, such as acting honestly and respectfully.

#### **Becoming a prospective candidate**

A Councillor that becomes a Prospective Candidate in a State or Federal election, will provide written advice to the Chief Executive Officer, as soon as practicable after they have decided to run. The Chief Executive Officer will then advise all Councillors. The Prospective Candidates must then declare their intended candidacy at a Council meeting as soon as practicable after notifying the Chief Executive Officer.

#### **Becoming a nominated candidate**

A Councillor that becomes a Nominated Candidate must, 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 electoral commission and conclude no earlier than the close of voting for the election. 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.

Council should approve any application for Leave of Absence. If the timing of the close of nominations does not align with Councils meeting schedule, a leave of absence may be approved retrospectively at the next available Council meeting.

## **5. Roles and Responsibilities**

<b>Role</b>	<b>Responsibility</b>	<b>Timelines</b>
Councillors	Required to act in accordance with this Policy.	As required
Chief Executive Officer	Provides guidance for circumstances that are not provided for under this Policy.	As required
Manager Governance and Strategy	Administers and reviews requirements of the Policy.	Ongoing
Unit Manager Governance	Administers requirements of the Policy.	Ongoing

## **6. Monitoring, evaluation and review**

The requirements of this Policy will be monitored in the lead up to and throughout each State and Federal election period to ensure compliance.

The Policy will be reviewed every 4 years and/or when updates are required.

## 7. Definitions

Term	Definition
Council	Merri-bek City Council
Councillor	Is an elected member of the Council as defined by the <i>Local Government Act 2020</i> .
Chief Executive Officer / CEO	Is the Chief Executive Officer appointed by Council as defined by the <i>Local Government Act 2020</i> .
Prospective Candidate	A Councillor who has not yet nominated to be a candidate for a State or Federal election, but who is planning to nominate as a candidate, including publicly announcing their intention to run as a candidate or has been endorsed by a political party and/or are starting to campaign (i.e.. distributing flyers, door knocking etc).
Nominated Candidate	A Councillor who has officially nominated to run in a State or Federal election.
Election	A Victorian State election or a Federal election or a by-election for either parliament.
Election period	The period commencing on the day a Councillor nominates as a candidate for election and concluding at the close of voting on election day.

## 8. Associated Documents

*Local Government Act 2020*

Governance Rules, incorporating the Election Period Policy

Model Councillor Code of Conduct

Councillor Support, Expenses and Resources Policy

## 9. Review

The next review of this Policy is scheduled for April 2029.