



# POLICY

## C031 Councillor Candidature at State and Federal Elections

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### 1 Purpose

This policy provides guidance to Councillors who propose to nominate or have nominated as candidates in State or Federal elections.

### 2 Scope

This policy applies to all Councillors who declare their intention to run for such elections, ensuring they understand their responsibilities and obligations during this period.

### 3 Definitions

<b>Council</b>	means Hindmarsh Shire Council
<b>Prospective Candidate</b>	means a Councillor that has publicly announced their intention to run as a candidate in a State or Federal Election. (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)
<b>Nominated Candidate</b>	a Councillor who has been formally nominated in a State or Federal election (a Councillor can only be a Nominated Candidate in the weeks prior to an election date)
<b>Election</b>	means a Victorian State election or a Federal election or a by-election for either parliament
<b>Election Period</b>	means the period commencing on the day a Councillors nominates as a candidate for election and concluding at the close of voting on election day

#### **4 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.

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.

#### **5 Policy**

Councillors may nominate as candidates in elections at all levels of government. If nominating as a candidate in an election or assisting in the campaign of a candidate in an election, Councillors commit to not using their position as a Councillor for purposes associated with their campaign, or the campaign of any other candidate.

##### **5.1 Declaration of 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 State or Federal Election (a Prospective Candidate), will provide written advice to the CEO as soon as practicable. The CEO should then provide written advice to all Councillors.

A Councillor who is a Prospective Candidate, will declare their intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO.

##### **5.2 Leave of Absence**

A Councillor who formally nominates as a candidate for a State or Federal Election with a State or Federal electoral commission should apply for 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 relevant 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, notwithstanding attending a meeting of the Council for the sole purpose of declaring their candidacy.

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, should consider this as a reasonable request and approve that application

### **5.3 Election of an Acting Mayor**

If a Councillor who formally nominates for a State or Federal Election holds the Office of Mayor, the Deputy Mayor will serve as acting Mayor for a period no longer than the Mayor's leave of absence

### **5.4 Improper Use of Position by Councillors**

Section 123 of the Local Government Act 2020 provides that it is an offence for a Councillor to intentionally misuse their position to gain or attempt to gain an advantage for themselves, or for any other person, by making improper use of information acquired as a result of their position, and using public funds or resources in a manner that is improper or unauthorised.

A Councillor who is a Prospective or Nominated Candidate should:

- Observe relevant Councillor/staff relationship policies and protocols from their Nomination Date until the close of voting for the relevant Election.
- Take care to declare conflicts of interests that may pertain to their conflicting role as a candidate.
- Take care to differentiate between their role as a State or Federal Election candidate and their role as a Councillor when making public comment.
- Not participate in any way in the processes of Council relating to a matter before Council if the candidate is campaigning on the said matter.
- Avoid campaigning on (through opposition or taking credit for) Council decisions.
- Take all reasonable steps to avoid the appearance that they are using their position as a Councillor as platform to promote or further their candidacy.

### **5.5 Council Resources and Activities**

A Councillor who is a Prospective Candidate or a Nominated Candidate must not use Council resources in connection with an election campaign. These include, but are not limited to, officers and support staff, mobile phones, computers, tablets, stationery, printers, vehicles, paper, council publications, council provided email addresses, council facilities, and photographs taken at or for official Council business.

A Councillor who is a Prospective Candidate or a Nominated Candidate should not use Council activities, including Council meetings, events, network meetings and Council-related external activities in relation to their candidacy.

### **5.6 Resignation of Office upon Successful Candidacy**

Section 34(2)(a) of the Local Government Act 2020 specifies a person is not qualified to be a Councillor and ceases to hold the Office of Councillor if they are a member of the Victorian Parliament, the Commonwealth Parliament, or of another State or Territory of the Commonwealth's Parliament. Therefore, a Councillor must resign immediately if their candidacy in a State or Federal Election is successful.

## 6 References

Related documents	Legislation
Model Councillor Code of Conduct Governance Rules and Election Period Policy Councillor Expense Entitlements Policy	Local Government Act 2020

## 7 Document Control

<b>Councillor Candidature in State and Federal Elections</b>		<b>Policy Category</b>	Council
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