

<b>Title</b>	<b>Council Candidature Policy</b>
<b>Description</b>	A policy to outline expectations where a Councillor stands for a seat in a state or federal election or other similar election.
<b>Category</b>	Council
<b>Type</b>	Policy
<b>Approval authority</b>	Council
<b>Responsible officer</b>	Senior Governance Advisor
<b>Approval date</b>	23 August 2022
<b>Review cycle</b>	Every four years
<b>Review date</b>	23 August 2026
<b>Document Reference</b>	D22/280091
<b>Human Rights compatibility</b>	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

## 1. Purpose and application

- 1.1. To outline Council's expectations where a Councillor expresses an intention to run as a candidate, gains pre-selection, or otherwise nominates as a candidate for a seat in a state or federal election or other similar election.
- 1.2. Compliance with this policy avoids the appearance that a Councillor is taking advantage of their position as a Councillor as a platform for their election campaign and ensure Council itself it not seen to be supporting or endorsing a candidate for election.

## 2. Application

- 2.1. This policy applies whenever a Councillor expresses an intention to run as a candidate, gains pre-selection, or otherwise nominates as a candidate for election to the Australian Federal Parliament or Victorian Parliament.
- 2.2. This policy (with modifications as are applicable) also applies when a Councillor expresses an intention to stand in another like election, such as another government, community organisation, club, board or other organisation (except where the Councillor is standing in their capacity as a Yarra City Councillor).
- 2.3. For the avoidance of doubt, this policy does not apply to a Councillor seeking to be pre-selected or similarly chosen as a candidate for election, until such time as they are successful in that process.
- 2.4. This policy does not apply in circumstances where a Councillor is seeking re-election to Yarra City Council (the City of Yarra Governance Rules apply in those circumstances).
- 2.5. These guidelines apply to all Councillors and operate in conjunction with Council's Councillor Code of Conduct.

## 3. Definitions

- 3.1. 'Prospective Candidate' refers to 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.
- 3.2. 'Nominated Candidate' refers to a Councillor who nominates as a candidate for a State or Federal Election through the relevant electoral commission.
- 3.3. A distinction is drawn between Prospective and Nominated Candidates as candidates for State and Federal Elections only become Nominated Candidates a few weeks prior to the relevant election date.

## 4. Notification of candidacy

- 4.1. Councillors will, as soon as practicable after becoming a Prospective Candidate, inform Council by delivering written notice to Council's Chief Executive Officer.
- 4.2. The Chief Executive Officer, upon receipt of such written notice, will advise all Councillors.
- 4.3. Prospective Candidates will declare their intended candidacy at the next Ordinary Meeting of Council following their notification to the Chief Executive Officer.

## 5. Leave of absence

- 5.1. Nominated Candidates should apply for a leave of absence for a period that commences no later than the date of their nomination as a candidate with the relevant electoral commission and concludes no earlier than the close of voting for the election.
- 5.2. Applications for leave of absence will be sought in accordance with the processes ordinarily adopted by Council. Such applications will not be unreasonably refused.
- 5.3. During the approved period of leave, Nominated Councillors should not attend meetings of Council or Council committees, or otherwise act as a Councillor.
- 5.4. All Council equipment and materials must be returned to Council for the approved period of leave.

## 6. Conduct of Council business

- 6.1. When undertaking activities in their role as a Councillor, all Councillors will take care to ensure that:
  - items of business introduced onto the agenda of a Council or Council committee meeting
  - notices of motion
  - communications with people and organisations, both within and external to Councilrelate to the objectives, role, functions and powers of Council and are not designed to further any Councillor's platform as a candidate in, or position with respect to, the relevant election.
- 6.2. Councillors should take particular care when:
  - considering planning matters before Council in its role as a responsible authority under the Planning and Environment Act 1987
  - undertaking a consultation or advocacy role on behalf of members of the community, community groups or other interest groups

- attending Council events
- representing Council in communications with Federal or State Government entities.

6.3. At no point should Prospective or Nominated Candidates use, or appear to use, their position as a Councillor to further their platform as an election candidate.

## **7. Council resources**

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

- offices and meeting rooms
- support staff
- hospitality services
- stationery
- equipment and facilities (such as mobile telephones, computer equipment and cab charge cards).

7.2. Prospective and Nominated Candidates 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.

## **8. Council information and enquiries**

8.1. Councillors have access to a wide range of information that is necessary for the purposes of fulfilling their role and functions as a Councillor.

8.2. Prospective and Nominated Candidates 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 in any manner connected with, the relevant election (except to the extent that such information is already in the public domain).

8.3. All enquiries or requests for information from Prospective and Nominated Candidates should be directed through the CEO's Office.

## **9. Media engagement**

9.1. Councillors may engage with the media in accordance with Council's Media Policy.

9.2. Prospective and Nominated Candidates should ensure that any comments they make in their capacity as a candidate could not reasonably be interpreted as a comment made by them in their capacity as a Councillor.

## **10. Related Documents**

- Local Government Act 2020
- City of Yarra Governance Rules (including Election Period Policy)
- Councillor Code of Conduct