

Councillor Candidature Policy

State or Federal Elections

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1. POLICY OBJECTIVE (OR PURPOSE)

This Policy sets out the requirements that apply when a Councillor stands as a candidate in a State or Federal Election. It provides guidance to assist Councillors as candidates to avoid any actual or perceived improper use of their position as a Councillor and of Council resources. It expands upon provisions that were previously included in the Greater Dandenong Councillor Code of Conduct which was replaced by the Model Councillor Code of Conduct in October 2024. It forms an important part of a package of measures that contribute to good governance at the City of Greater Dandenong.

2. BACKGROUND

Local Government councillors, along with other eligible people are entitled to become a candidate for elected office at the State and Federal level. As a prospective or nominating candidate, a councillor needs to ensure they continue to act with integrity, avoid conflicts of interest and the perception or actual misuse of their position and council resources in their campaign.

It supports the Council to comply with the provisions of the Local Government Act 2020 including the standards of councillor conduct which are set out in the Model Councillor Code of Conduct.

3. SCOPE

This Policy applies when a Councillor becomes a prospective or nominated candidate in a State or Federal election. This policy operates in conjunction with the Model Councillor Code of Conduct. Councillors who are a candidate at a State or Federal election, even when they have taken leave of absence, are still required to comply with the Model Councillor Code of Conduct.

4. DEFINITIONS

In this policy:

State or Federal Election includes a by-election.

Prospective candidate means a person 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.

Nominated candidate means a person who nominates as a candidate for a State or Federal election through the relevant Electoral Commission.

5. POLICY

A Councillor who is a prospective or nominated candidate for a State or Federal Election must:

- a) apply to Council for a leave of absence in accordance with this policy
- b) maintain an appropriate separation between their dual roles;
- c) avoid potential and actual conflicts of interest;

- d) declare any conflicts or interests that may relate to their role as a candidate and their position as a Councillor
- e) not misuse their position as a Councillor;
- f) not use Council resources to support their candidacy; and
- g) continue to comply with all provisions of the Model Councillor Code of Conduct

5.1 Councillor Endorsement

Council will not endorse any Councillor candidature.

5.2 Legal Advice

Councillors are required to obtain their own legal advice, at their own expense, regarding the various issues associated with running as a candidate at a State or Federal election such as:

- A Councillors eligibility to be a Candidate;
- Conflicts of Interest, whether actual, perceived, potential or otherwise.

5.3 Notification of Candidacy

As soon as practicable after a Councillor becomes a prospective or nominated candidate for a State or Federal election, the Councillor must notify Council's Chief Executive Officer (CEO) and Mayor in writing.

After receiving a written notice given by a Councillor in accordance with this policy the CEO will advise the other Councillors.

A Councillor will declare their intended or actual candidacy at the next Council Meeting after notifying the CEO.

5.4 Leave of absence

A Councillor must apply to Council for a leave of absence for a period 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

The application for leave of absence must be made:

- a) immediately upon the date for the close of nominations being published by the relevant Electoral Commission, if at that date the Councillor has decided to nominate as a candidate; or
- b) once the Councillor nominates

Whichever is the sooner.

An application for leave of absence will be sought by moving a notice of motion or urgent business item at a Council Meeting.

The Council must grant any reasonable request for leave.

During an approved leave of absence, a nominated candidate must not attend Council Meetings, Delegated Committee Meetings or Councillor Briefing Meetings in their capacity as a Councillor or otherwise act as a Councillor.

If a Councillor has been granted a leave of absence for the purpose of their candidature in a State or Federal election but subsequently withdraws their nomination as a candidate, the Councillor may return to their ordinary Council duties. Prior to returning from a leave of absence a Councillors must make a written

application to the Chief Executive Officer to resume their position as Councillor and the request submitted to Council for consideration at the next available Council meeting open to the public and the Councillor may resume their position the day after the request has been approved by Council.

5.5 Comments on Council Issues

A Councillor who is a prospective or nominated candidate must be clear as to whether any comments they make on a Council issues are being made as a Councillor or as a candidate.

It is strongly recommended that Councillors maintain separate social media accounts that clearly define their role as a Councillor and that of a Candidate.

5.6 Use of Council Resources and Activities

A Councillor who is a prospective or nominated candidate must not use Council resources in connection with an election campaign. These include but are not limited to, office accommodation, council facilities, vehicles, hospitality services, mobile phones and numbers, laptops and council email addresses, photographs and other media, computers and printers.

All Council equipment and materials must be either returned to Council or remain in the possession of the Councillor but not used, for the duration of the approved period of leave.

An out of office message should be activated on the Councillors email and a voicemail message left on their Council issued mobile phone advising those trying to make contact that the Councillor is on leave of absence and providing alternative means of reaching Council.

A Councillor who is a prospective or nominated candidate should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.
- Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.

A Councillor who is a prospective or nominated candidate must not use Council activities, including council meetings, events, network meetings and Council related external activities in relation to their candidacy.

5.7 Media Advice and Releases

Council will not provide media advice or assistance in relation to election issues or publicity relating to a Councillor who is a prospective or nominated candidate.

Council media releases will not refer to specific Councillors in their capacity as prospective candidates or nominated candidates

5.8 Successful election

A Councillor must resign from Council immediately upon being successfully elected to State or Federal Parliament. This requirement arises because under section 34(2)(a) of the *Local Government Act 2020*, a person is not qualified to be a Councillor if they are a member of Parliament.

5.9 Current Councillors

A current Councillor must not use their position as a Councillor or their access to Council staff and other Council resources to support an election campaign of another Councillor

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

The overarching Governance Principles of the Local Government Act 2020 have been considered and addressed in the development of this Policy

7. HUMAN RIGHTS, GENDER EQUALITY, CLIMATE CHANGE AND CHILD SAFE COMPLIANCE

Greater Dandenong City Council policies comply with the Victorian Charter of Human Rights and Responsibilities, the Gender Equality Act 2020, the Climate Change Act 2017 and the Child Safe Standards contained in the Child Wellbeing and Safety Act 2005 (Amended).

8. RESPONSIBILITIES

Councillors are responsible for ensuring that they understand and comply with the requirements of this Policy.

9. BREACH OF THIS POLICY

A breach of this Policy may constitute a breach of the Local Government Act 2020 and/or the Model Councillor Code of Conduct.

10. REPORTING, MONITORING AND REVIEW

Reporting	A Councillor is responsible for notifying the CEO of their candidacy in accordance with this policy
Monitoring	The Manager Governance Legal and Risk is responsible for the monitoring of this policy
Review	This policy will be reviewed by the Manager Governance Legal and Risk prior to a State or Federal election or by-election.

11. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2020*
- *Child Wellbeing and Safety Act 2005*
- *Child Safe Standards 2005*
- *Local Government Act 2020*
- *Model Councillor Code of Conduct*

Industry guidance

- *Municipal Association of Victoria Policy Position – Candidature of Councillors State or Federal Elections*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Access, Diversity and Equity Policy
- Greater Dandenong City Council Governance Rules
- Greater Dandenong Public Interest Disclosures Policy
- Greater Dandenong City Council Public Transparency Policy

Administrative Updates

It is recognised that from time to time, circumstance may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, the change to an existing policy or document referred to in this policy and minor updates to legislation and the like which does not have a material impact. All changes or updates which materially alter this policy must be by resolution of Council.