



**STAND  
FOR  
COUNCIL**  
**.COM.AU**

# CITIZEN TO COUNCILLOR

A GUIDE FOR PROSPECTIVE COUNCILLORS

Proudly supported by:

**Leader**  
COMMUNITY NEWS



MUNICIPAL ASSOCIATION OF VICTORIA

Any queries in relation to this document should be directed to the MAV on:  
Tel: 03 9667 5555  
Fax: 03 9667 5550  
Email: [inquiries@mav.asn.au](mailto:inquiries@mav.asn.au)

## **USEFUL CONTACTS:**

**Municipal Association of Victoria (MAV)**  
Level 12, 60 Collins Street,  
Melbourne, 3000  
Phone (03) 9667 5555  
[www.mav.asn.au](http://www.mav.asn.au)  
[www.standforcouncil.com.au](http://www.standforcouncil.com.au)

**Victorian Electoral Commission (VEC)**  
Level 11, 533 Collins Street,  
Melbourne, 3000  
Phone 131 832  
[www.vec.vic.gov.au](http://www.vec.vic.gov.au)

**GoWomenLG2016** - a project coordinated by the Victorian Local Governance Association and funded by the Victorian Government to build the number of women standing for council.  
[www.gowomenlg.org.au](http://www.gowomenlg.org.au)

**Australian Local Government Women's Association** (Victorian Branch)  
[enquiries@algwa.com.au](mailto:enquiries@algwa.com.au)  
[www.algwa.com.au](http://www.algwa.com.au)

# ABOUT THIS GUIDE

**This resource has been prepared by the Municipal Association of Victoria (MAV) as a guide to becoming an elected local government councillor.**

The MAV is the legislated peak body for local government in Victoria.

It is intended that this guide assists those considering standing as a candidate in the 2016 council elections to better understand the purpose of local government, what is expected of a councillor, and the process for getting elected to council.

This resource is also available online at [www.standforcouncil.com.au](http://www.standforcouncil.com.au)

© Copyright Municipal Association of Victoria, 2016.

The Municipal Association of Victoria (MAV) is the owner of the copyright in the publication *Citizen To Councillor 2016*.

No part of this publication may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the Municipal Association of Victoria.

All requests to reproduce, store or transmit material contained in the publication should be addressed to MAV Communications on 03 9667 5555 or [comms@mav.asn.au](mailto:comms@mav.asn.au).

The MAV does not guarantee the accuracy of this document's contents if retrieved from sources other than its official websites or directly from a MAV employee.

The MAV can provide this publication in an alternative format upon request, including large print, Braille and audio.



## INTRODUCTION

The decisions of councils affect the lives of everyone living in the community – men, women and children. Becoming a councillor is a great hands-on way to serve your community and positively influence future directions and outcomes for the municipal area.

Many people in our local communities could make really good councillors, but it's important to understand what's involved. If you're interested in your local community, willing to learn and participate, and consider yourself passionate, motivated and committed, then you should think about nominating.

Women are particularly encouraged, as they are highly qualified to take up civic life, with their community, caring and work experiences. There will be many other candidates with diverse backgrounds who also have much to contribute.

The strength of our democracy is in people's participation, and diverse representation around the council decision-making table helps to reflect the diversity of our communities.

Being a councillor is a challenging role, but also a rewarding one. It's also a wonderful way to develop your knowledge, skills and networks.

As the CEO of the Municipal Association of Victoria, the peak organisation for Victorian councils, I invite you to explore what is involved in being a councillor, and to consider standing for election.

I wish you every success in your endeavours.

**Rob Spence**  
Chief Executive Officer



## FOREWORD

Local government has a significant impact on the lives of all Victorians. Councils spend over \$8 billion annually to provide more than 100 different services to the communities they represent and are responsible for \$79 billion worth of assets and infrastructure.

Councils are complex businesses that provide and maintain a wide diversity of public buildings, amenities and services. The largest council would be in the top 100 employers in the state and smaller rural councils are often the largest employer in the region.

Councillors, elected by residents and ratepayers, have an exciting and challenging role to fulfil. They must be in touch with their community and balance the needs of the community within a framework of financial accountability. The work of councillors is varied and occurs within a highly political environment.

One of the most challenging aspects of this work is that councillors are required to make decisions on a regular basis that affect people's lives to varying degrees and some of these decisions will not always be popular with all constituents. It's important that councillors can successfully communicate the council's vision to their constituents, and the need to pursue long-term objectives consistent with this vision.

Standing for election provides a great opportunity to influence the future direction of the local community and help those who require support. It can be daunting and time consuming, but also rewarding. Councils are complex and vibrant organisations that require talented and dedicated individuals to participate in making the decisions that count.

# CONTENTS

## 1 SECTION 1 WHAT IS LOCAL GOVERNMENT?

- 1 Local government in Victoria
- 2 Legislative framework
- 3 Council responsibilities and functions
- 4 Local government funding sources

## 5 SECTION 2 WHAT IS EXPECTED OF A COUNCILLOR?

- 5 Role and responsibilities
- 6 Leadership and governance
- 7 Conduct of councillors
- 8 Personal information and transparency
- 9 Councillor activities
- 11 Role of the mayor
- 12 Working with the CEO and council staff
- 13 Working with other councillors
- 13 Working with the community

## 14 SECTION 3 FULFILLING YOUR DUTIES

- 14 Time commitment
- 15 Financial entitlements
- 16 Rewards and benefits
- 16 Obligations and protocols
- 17 Disclosure of interests
- 18 Access to and use of information
- 19 Ceasing to be a councillor

## 20 SECTION 4 STANDING FOR COUNCIL

- 20 Postal v attendance elections
- 21 Eligibility to stand
- 22 Wards and councillor numbers
- 22 Nominating for election
- 23 Electoral materials
- 23 Candidate statements
- 24 Election campaign donations

## 25 SECTION 5 THE ELECTION PROCESS

- 25 Entitlement date
- 26 Voters' roll
- 26 Election caretaker period
- 27 Eligibility to vote
- 27 Voting at a council election
- 28 Ballot paper order
- 28 How votes are counted
- 29 Withdrawing or retiring from an election
- 29 Declaration of election results

## 30 SECTION 6 GETTING ELECTED

- 30 Introduction to campaigning
- 31 Advertising
- 32 Door knocking
- 32 Photographs
- 33 Using the media

## 35 SECTION 7 APPENDICES

- 36 Appendix A: Local government service delivery
- 37 Appendix B: *Local Government Act 1989* Preamble
- 38 Appendix C: Councillor remuneration categories
- 39 Appendix D: Candidate campaign offences

# SECTION 1 WHAT IS LOCAL GOVERNMENT?



- Local government in Victoria
- Legislative framework
- Council responsibilities and functions
- Local government funding sources

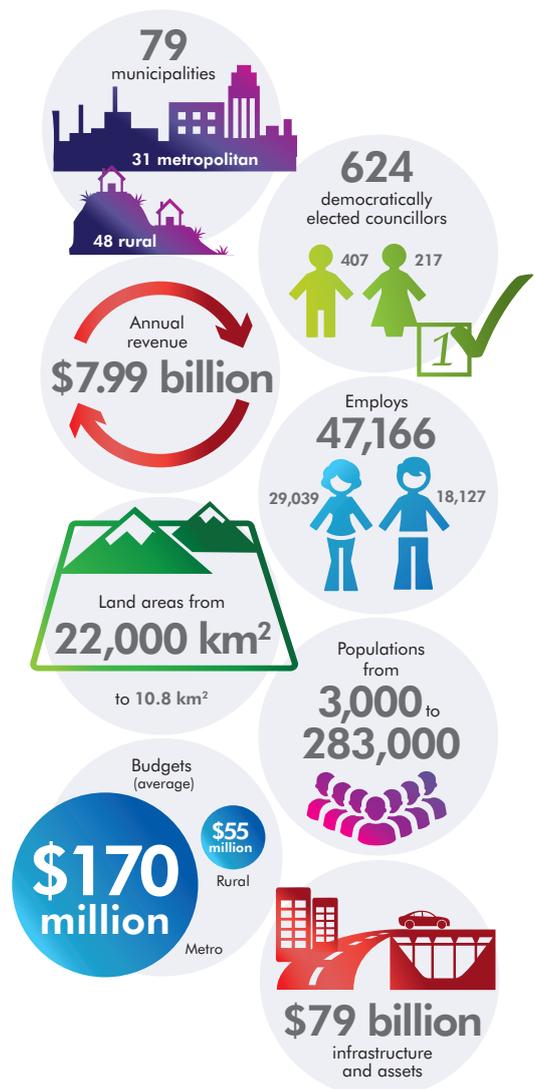
## LOCAL GOVERNMENT IN VICTORIA

Local government enables the economic, social and cultural development of the municipality it represents, supports individuals and groups, and provides a wide range of services for the wellbeing of the community.

Local government is the third level of government in the Australian federal system. It is established by an Act of State Parliament, which specifies local government powers, duties and functions.

In Victoria, 79 municipal councils represent about 5.9 million people. Each council varies in size, population, rate base and resources but all must operate in accordance with the *Local Government Act 1989* (LG Act).

All councils consist of elected members (democratically elected councillors) and the administration (council employees). The elected councillors appoint the chief executive officer, set the strategic direction, participate in decision-making including the adoption of budgets and policies, and monitor the council's overall performance.



Local government has responsibility for implementing many diverse programs, policies and regulations set by the federal and state government. Councils also provide a range of services at their discretion in response to local community needs. Additionally, councils have the power to make local laws to regulate activities within the municipality. Each municipality is distinct and while there may be some common services across local government, there is also a degree of diversity.

*More information on the range of services delivered by Victorian councils is outlined in Appendix A.*

## LEGISLATIVE FRAMEWORK

**Local government is recognised as a 'distinct and essential tier of government consisting of democratically elected councils having the functions and powers that the Parliament considers are necessary to ensure peace, order and good government of each municipal district'. (Constitution Act 1975)**

The local government provisions in the Constitution cannot be removed or changed without the approval of Victorian electors in a referendum.

Councils operate within a legislative framework established by the Victorian Parliament through the LG Act, which sets out their functions and powers.

There are a number of other key Acts under which local government operates including the *Planning and Environment Act 1987 (Vic)* and the *Public Health and Wellbeing Act 2008 (Vic)*.

The breadth and diversity of local government responsibilities requires councils to have regard to and comply with more than 100 federal and state Acts and regulations, as well as Ministerial Directions, codes of practice, Australian Standards and other guidelines.

*Appendix B of this Guide sets out the Preamble in the LG Act, which recognises local government's constitutional status and broadly outlines the role of councils.*



# COUNCIL RESPONSIBILITIES AND FUNCTIONS

Councils are area-based, representative governments with a legislative and electoral mandate to manage local issues and plan for the community's needs.

According to the LG Act, councils:

- > Express community identity and establish community goals
- > Undertake physical, social and economic planning
- > Provide a range of services
- > Have political, management and decision-making structures
- > Offer residents many different ways to participate in decision making
- > Communicate and consult with the community extensively on a variety of matters.

## Objectives of a council

The primary objective of a council is to endeavour to achieve the best outcomes for the local community having regard to the long-term and cumulative effects of decisions.

In seeking to achieve its primary objective, a council must have regard to the following:

- a) promoting the social, economic and environmental viability and sustainability of the municipal district;
- b) ensuring that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
- c) improving the overall quality of life of people in the local community;
- d) promoting appropriate business and employment opportunities;
- e) ensuring that services and facilities provided by the council are accessible and equitable;
- f) ensuring the equitable imposition of rates and charges; and
- g) ensuring transparency and accountability in council decision making.

*LG Act, Section 3C.*

## Role of a council

A council is elected to provide leadership for the good governance of the municipal district and the local community.

The role of a council includes:

- a) acting as a representative government by taking into account the diverse needs of the local community in decision making;
- b) providing leadership by establishing strategic objectives and monitoring their achievement;
- c) maintaining the viability of the council by ensuring resources are managed in a responsible and accountable manner;
- d) advocating the interests of the local community to other communities and governments;
- e) acting as a responsible partner in government by taking into account the needs of other communities; and
- f) fostering community cohesion and encouraging active participation in civic life.

*LG Act, Section 3D.*

## Functions of a council

The functions of a council include:

- a) advocating and promoting proposals which are in the best interests of the local community;
- b) planning for and providing services and facilities for the local community;
- c) providing and maintaining community infrastructure in the municipal district;
- d) undertaking strategic and land use planning for the municipal district;
- e) raising revenue to enable the council to perform its functions;
- f) making and enforcing local laws;
- g) exercising, performing and discharging the duties, functions and powers of council under this Act and other Acts; and
- h) any other function relating to the peace, order and good government of the municipal district.

*LG Act, Section 3E.*

# LOCAL GOVERNMENT FUNDING SOURCES

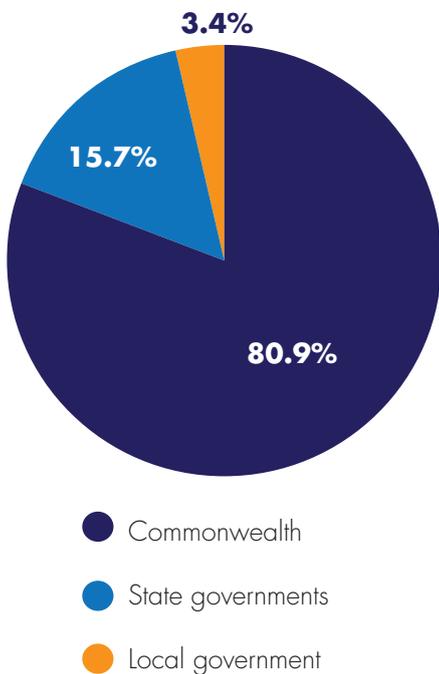
Local government in Australia receives funding and revenue from several major sources:

- > Rates and charges on property
- > Fees, fines and charges (e.g. swimming pool entry fees, waste depot fees, planning permit fees, parking fees and fines)
- > Borrowings (e.g. to pay for large infrastructure projects), asset sales, donations, contributions, reimbursements and interest earned
- > Specific purpose grants from state and federal governments, for funding specific projects or programs
- > General purpose grants from state and federal governments that are not tied to a specific purpose.

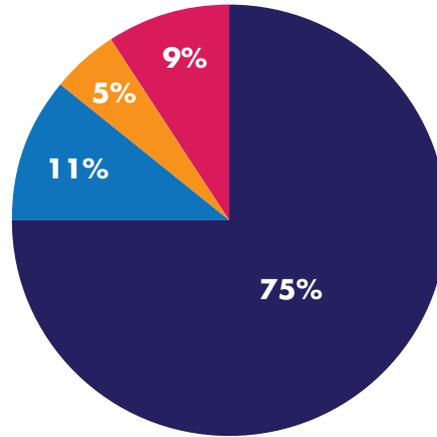
State and federal government grants are typically derived from a share of taxation revenue.

Local government collects only three cents of every tax dollar raised in Australia.

## Tax collected by governments



## Average local government revenue



- Rates, fees, fines and charges
- Specific purpose grants
- Untied revenue from general purpose grants
- Other sources



# SECTION 2 WHAT IS EXPECTED OF A COUNCILLOR?



**Role and responsibilities**

**Leadership and governance**

**Conduct of councillors**

**Personal information and transparency**

**Councillor activities**

**Role of the mayor**

**Working with the CEO and council staff**

**Working with other councillors**

**Working with the community**

## ROLE AND RESPONSIBILITIES

A councillor's role is exciting, diverse and demanding. As the governing body of a local municipality, councillors play a vital leadership role in creating and implementing their community's vision, strategic direction and the values within which they operate.

The role of a councillor is:

- to participate in the decision-making of the council
- to represent the local community in that decision-making
- to contribute to the strategic direction of the council through the development and review of key strategic documents of the council, including the council plan.

In performing their elected role, a councillor must:

- consider the diversity of interests and needs of the local community
- observe principles of good governance and act with integrity
- provide civic leadership in relation to the exercise of the various functions and responsibilities of the council under the LG Act and other Acts
- participate in the responsible allocation of resources of council through the annual budget
- facilitate effective communication between the council and the community.

The role of a councillor does not include the performance of any functions that are specified as functions of the chief executive officer under section 94A of the Act.

Councillors guide the development of local policies, set service standards and priorities and monitor the performance of the organisation. Other responsibilities of councillors include determining the financial strategy and budget, allocating resources, and liaising with other levels of government, the private sector and non-government community groups.

A major task for councillors is to represent their constituents and advocate on their behalf on a wide range of issues. Councillors provide an invaluable link between the community and council.

# LEADERSHIP AND GOVERNANCE

The LG Act places a responsibility on elected councillors to provide leadership and good governance for the municipal district and the community.

In representing the interests of their community, councillors are faced with the challenge of practising and implementing good governance processes.

Good governance promotes community confidence; helps councils to meet their legislated responsibilities; leads to better decisions; and supports impartial and ethical decision-making.

## Good governance is accountable

Accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

## Good governance is transparent

People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation council considered, and which legislative requirements (when relevant) council followed.

## Good governance follows the rule of law

This means that decisions are consistent with relevant legislation or common law and are within the powers of council.

## Good governance is responsive

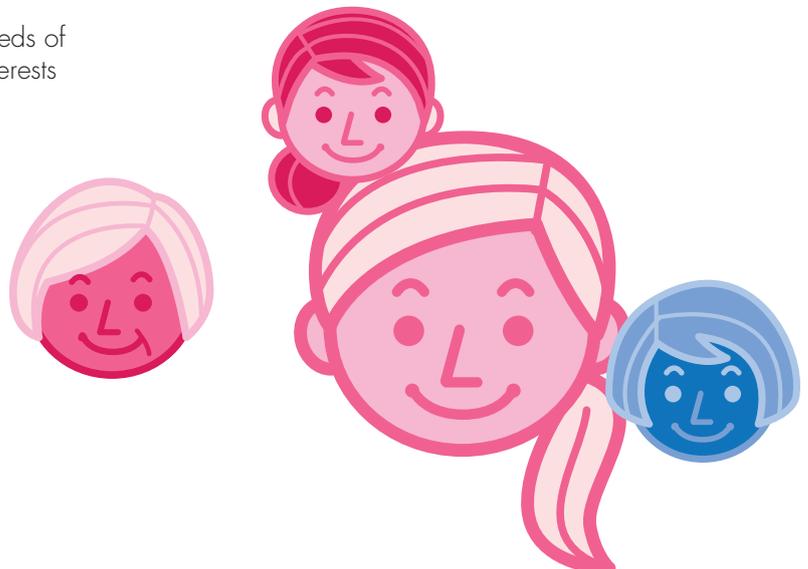
Local government should always try to serve the needs of the local community while balancing competing interests in a timely, appropriate and responsive manner.

## Good governance is effective and efficient

Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.

## Good governance is participatory

Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.



# CONDUCT OF COUNCILLORS

## The LG Act establishes principles of conduct for councillors.

The primary principle of councillor conduct establishes that, in performing the role of a councillor, a councillor must:

- > act with integrity
- > impartially exercise his or her responsibilities in the interests of the local community
- > not improperly seek to confer an advantage or disadvantage on any person.

Additionally, in performing the role of a councillor, a councillor must act in accordance with the general principles of conduct and:

- > avoid conflicts between his or her public duties as a councillor and his or her personal interests and obligations
- > act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person
- > treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other councillors, council staff and other persons
- > exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office
- > endeavour to ensure that public resources are used prudently and solely in the public interest
- > act lawfully and in accordance with the trust placed in him or her as an elected representative
- > support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

*LG Act, sections 76B and 76BA.*

In addition to the primary principle of councillor conduct and the general councillor conduct principles, there is a statutory obligation for all councils to develop and approve a Councillor Code of Conduct.

The Councillor Code of Conduct:

- > must include the internal resolution procedure for dealing with an alleged contravention of the Councillor Code of Conduct by a councillor
- > may set out processes for the purpose of resolving an internal dispute between councillors
- > must include any provisions prescribed for the purpose of this section of the Act
- > must include provisions addressing any matters prescribed for the purpose of this section of the Act, and
- > may include any other matters relating to the conduct of councillors which the council considers appropriate.

*LG Act, section 76C(3).*

A councillor must read the Councillor Code of Conduct and make a declaration that they will abide by the Code. The declaration must be signed and witnessed by the chief executive officer. If a councillor fails to do so within three months of being elected, their position is declared vacant. This means that failure to make a declaration to abide by the Code is grounds for disqualification as a councillor. A councillor must also make a declaration within one month of any amendment being made to the Code. Failure to do so is grounds for disqualification.

The Councillor Code of Conduct may also reflect the values of the local community, concerns of citizens and aspirations of the council. It aims to uphold basic principles of ethical and legal behaviour, as well as optimise the professional, accountable and effective participation of each councillor.

The Councillor Code of Conduct must be reviewed within the period of four months after a general election.

# PERSONAL INFORMATION AND TRANSPARENCY

**As an elected representative there are transparency requirements that relate to your personal information and activities.**

Councillors are required to submit a campaign donation return (this also applies to unsuccessful candidates). The return must be submitted within 40 days after Election Day. The return must contain the details of any 'gift', including goods or services, valued at more than \$500 received during the 'donation period'. *Refer to section 4 – Election campaign donations for more details on this requirement.*

Campaign donations may cause a conflict of interest in a situation where a councillor needs to make a decision on a matter that involves the interests of a person who has given them a campaign donation.

A person who becomes a councillor must submit a primary return to the chief executive officer within 30 days of election or within seven days of making the oath as councillor. A councillor must also submit an ordinary return twice per year. Ordinary returns are due on 30 June and 31 December or within 40 days of those dates.

A councillor must disclose the following information in a primary return:

- > The name of any company or other body in which he or she holds any office whether as a director or otherwise
- > The name or description of any company or body in which he or she holds a beneficial interest unless the total value of the interest does not exceed \$10,000 and the total value of issued shares exceeds \$10 million
- > The address or description of any land in the municipality or in an adjoining municipality in which he or she has any beneficial interest other than by way of security for any debt
- > A concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest
- > Any other substantial interest, whether of a pecuniary nature or not, of him or her or of a member of the family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a councillor.

A councillor must disclose the following information in an ordinary return:

- > If he or she has held an office whether as director or otherwise in any company or body, corporate or unincorporated – the name of the company or body
- > The name or description of any company or body in which he or she holds or has held a beneficial interest unless the total value of the interest did not exceed \$10,000 and the total value of issued shares exceeds \$10 million
- > The address or description of any land in the municipality or in an adjoining municipality in which he or she has any beneficial interest other than by way of security for any debt
- > A concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest
- > Particulars of any gift of or above the amount or value of the gift disclosure threshold received by him or her, either directly or indirectly, other than a gift received:
  - From a person who is a relative
  - As hospitality at an event or function attended in an official capacity as the mayor or councillor
- > Any other substantial interest whether of a pecuniary nature or not of him or her, or of a member of the family of which he or she is aware, and which he or she considers might appear to raise a material conflict between his or her private interests and his or her public duty as a councillor.

*Refer to section 3 – Disclosure of interests for more details.*

The chief executive officer must maintain a register consisting of the last three returns of each councillor. The chief executive officer must allow a person (i.e. any member of the public) who has made application to inspect the register, to do so if the application meets the requirements of the regulations.

Councillors are entitled to be reimbursed for reasonable bona-fide out-of-pocket expenses incurred while performing duties as a councillor. The council's annual report must contain details of councillor expenses, including reimbursement of expenses categorised separately as:

- > Travel expenses
- > Car mileage expenses
- > Childcare expenses
- > Information and communication technology expenses
- > Conference and training expenses.

# COUNCILLOR ACTIVITIES

Councillors are required to participate in a wide variety of activities, both as an elected representative of the community and as a member of the governing body of council. Councillors are accountable to their community. Representing the local community in decision-making requires councillors to weigh and balance all relevant factors without bias or prejudice.

## 1. Community involvement and accountability

Many citizens who become councillors have already had a high level of involvement in community organisations and events. Attending community meetings, gauging community values and needs, as well as being available and approachable are part of being a councillor.

Councillors, both individually and collectively, are accountable to their community. They have a responsibility to respond to requests for information, be prepared to explain the reasons for their own or the council's actions, and defend council proposals.

## 2. Advocacy

The council often represents and advocates on behalf of its residents and community agencies on key issues that affect the wellbeing of the local area. This includes meeting with other levels of government, statutory bodies, businesses and regional interest groups.

Councillors also play an important role in the decision-making processes that guide and govern the strategic vision and directions for the municipality.

Councillors need to balance their obligation to represent the interests of their constituents and to make decisions that will benefit all of the community.

## 3. Debating and decision-making

Key decisions are made at council and committee meetings. Prior to full council and committee meetings, councillors receive the agenda and relevant reports to read and consider. The reports provide background information and advice on the issue from council officers. At the meetings, councillors debate the issues and make considered decisions in the best interests of the community.

The decision-making processes of the council must be open, accessible and transparent except in limited circumstances when confidentiality is required. Any meeting of a council, or a special committee, must be open to members of the public. The LG Act specifies the circumstances where a council meeting can be closed to the public.

The LG Act requires all councils to make a local law to govern the conduct of council meetings, with which all councillors must be familiar.

It is the responsibility of a councillor to ensure that they are properly informed in their decision-making.

## 4. Council plan and annual reporting

A council must produce several important planning and reporting documents as required by the LG Act including a council plan, a strategic resources plan and an annual report. The development and adoption of these documents are the responsibility of councillors. In developing these documents, councils must follow statutory processes which include the documents being available for public inspection, being formally adopted by the council, and being submitted to the Minister for Local Government.

The process of drawing up the council plan includes consultation with the community and enables councillors to influence the direction of the council.

A council plan must be prepared within six months following a general election. The plan includes council's strategic objectives and implementation tools for the next four years. The council plan must also include the strategic resources plan, which must be reviewed each financial year and adopted by council no later than 30 June.

The strategic resources plan sets out the financial and human resources that will be required to achieve the strategic objectives contained in the council plan for the current financial year.

Each year the council must also prepare an annual report, which reports on the achievements and activities of the council for that financial year. This is available to the community and other stakeholders. The annual report must include audited performance statements that report on achievements against the key targets and measures identified in the council's budget and council plan.

## 5. Budgeting and financial management

Councillors are responsible for determining the council's annual budget, which includes those activities and projects to be funded during the year, and the level of rates and charges required to fund them.

Councils seek to make the most out of the revenue available. The budget process involves setting priorities and allocating funds to achieve the strategic objectives in the council plan.

The budget must also identify targets for measuring achievements against the council plan.

Councillors monitor spending against the annual budget and the achievement of council objectives.

Councils are required to implement principles of sound financial management. Councillors play an important role in ensuring their council:

- a) manages financial risks faced by the council prudently, having regard to economic circumstances
- b) pursues spending and rating policies that are consistent with a reasonable degree of stability in the level of the rates burden
- c) ensures that decisions are made and actions are taken having regard to their financial effects on future generations
- d) ensures full, accurate and timely disclosure of financial information relating to the council.

*LG Act, Section 136(2)*

## 6. Determining development proposals

A councillor's role in forming strategic land use and development plans, and deciding planning applications can be challenging and time consuming. Councillors contribute to the review of the council's planning scheme including the Municipal Strategic Statement, and actively participate in the development of local planning policies to form a sound strategic basis for decision-making.

Councillors are often faced with having to decide contentious development proposals after considering opposing viewpoints from ratepayers, developers and other interested parties. Issues requiring council's consideration when deciding applications include objections and submissions received by the council as well as environmental issues, visual amenity considerations, impact of a development on neighbourhood character, economic and social considerations.

Relevant strategic plans, policy statements, guidelines or codes can also assist a council when deciding a planning application.

As councils are faced with having to decide thousands of applications each year, some of the decision-making responsibilities may be delegated to council officers. Therefore council policies must be clear and unambiguous to provide guidance to officers to decide applications.

Additional information on the planning process in Victoria and useful information to assist councillors perform their function and responsibilities within the planning system can be found in 'Land Use Planning in Victoria – A Guide for Councillors' (MAV, 2012).

## 7. Chief executive officer performance review

Management accountability is a fundamental responsibility of the elected council.

When council has decided on its direction, strategy and policies it delegates authority to the chief executive officer for implementing these decisions and managing day-to-day operations.

The chief executive officer is employed by the council under a contract of employment which cannot be longer than five years. The contract of employment must specify performance criteria to enable a periodic review of the chief executive officer's performance.

# ROLE OF THE MAYOR

The mayor is a councillor elected by the council to lead the council, usually for a term of one year (a council can resolve to elect a mayor for a two-year term).

This excludes:

- > City of Melbourne, which has a directly elected lord mayor and deputy lord mayor who nominate for office jointly under the provisions of the *City of Melbourne Act 2001*; and
- > City of Greater Geelong, which has a directly elected mayor under the provisions of the *City of Greater Geelong Act 1993*.

The functions of the mayor of a council include:

- a) providing guidance to councillors about what is expected of a councillor, including in relation to the role of a councillor under section 65, and the observation of the Councillor Conduct Principles and the Councillor Code of Conduct under section 76B, 76BA and 76C
- b) acting as the principal spokesperson for the council
- c) supporting good working relations between councillors
- d) carrying out the civil and ceremonial duties of the office of mayor.

The mayor has the following additional responsibilities:

## 1. Leader of the council

The mayor presides over council meetings, conducting meetings in accordance with the local law, and established conventions and protocols. The mayor promotes high standards of democratic governance and chairs meetings impartially. In the event that a vote is tied, the mayor has a casting vote.

## 2. Enhancer of good governance

The mayor is a symbol of democratic leadership to the community, the council and council staff. The mayor acts to create political stability within the elected council, and ensure effective and respectful communication between councillors and the chief executive officer. This also involves providing guidance to councillors on the role of a councillor.

## 3. Builder of external and media relations

The mayor acts to develop and maintain relationships with stakeholders including other councils, state and federal governments, community and business groups and the media. The mayor acts as the principal public spokesperson for the council to communicate its role, decisions and activities, and promote council and community interests.

## 4. Promoter of civic and institutional pride

The mayor serves as the council's social, cultural, political and business ambassador, presiding over key civic functions, maintaining a presence within the municipality and ensuring that it is appropriately represented at relevant and important occasions. The mayor welcomes formal visitors and delegations to the municipality; presides over local citizenship ceremonies; opens exhibitions, events, demonstrations and ceremonies; presents awards; and visits schools and community groups.

## 5. Supporter and engager with the community

The mayor is the public face of the council and displays public leadership in times of disaster. The mayor is accessible, visible and approachable.

## 6. Facilitator of the governing process

The mayor leads for the whole council, facilitating the participation and inclusion of all councillors and ensuring effective communication and respectful relationships among councillors. The mayor puts the interests and harmony of the council above their own, and takes ultimate public responsibility for the council's performance.

# WORKING WITH THE CEO AND COUNCIL STAFF

**To optimise community outcomes, a council needs a good working relationship between councillors and management. While councillors determine policy directions for the municipality, they also need to rely on advice from the administration.**

The administration's role is to provide relevant and timely information to council. Councillors evaluate options and assess the impact of decisions before deciding what is in the community's best interest. The administration then implements the policies determined by the council.

Understanding the differences in the roles and functions will enable the establishment of a trusting and professional working relationship between the council and the administration.

The importance of trust and mutual respect within the council team, and between council and senior management, cannot be underestimated. There needs to be a shared commitment to the goals of the council by both councillors and senior management.

## **Chief executive officer's management responsibilities**

The role of the chief executive officer is to:

- > establish and maintain an appropriate organisational structure for the council
- > ensure that the decisions of the council are implemented without undue delay
- > manage council's day-to-day operations in accordance with the council plan
- > provide timely advice to the council
- > ensure that the council receives timely and reliable advice about its legal obligations under the LG Act and any other Acts
- > support the mayor in the performance of mayor's role
- > carry out the council's responsibilities as a deemed employer with respect to councillors, as deemed workers, which arises under or with respect to the *Accident Compensation Act 1985* or the *Workplace Injury and Rehabilitation Compensation Act 2013*
- > perform any other functions or duties of the chief executive officer under the LG Act or any other Act.

The chief executive officer may appoint as many members of council staff as are required to enable the functions under the LG Act or any other Act to be carried out, and to enable the chief executive officer to carry out his or her functions.

The chief executive officer is responsible for appointing, managing, directing and dismissing council staff, and for all other issues that relate to council staff.

The chief executive officer is responsible for managing interactions between council staff and councillors, including by ensuring that appropriate policies, practices and protocols are in place to define appropriate arrangements for interactions between council staff and councillors.

It is the council's responsibility to appoint the chief executive officer, negotiate contractual obligations, and manage and review their performance.

While the separation of policy-making and day-to-day management is important, it should be managed sensitively so a high level of trust is cultivated between councillors and the chief executive officer, and a sound and effective working relationship is established.

# WORKING WITH OTHER COUNCILLORS

Councillors can be elected on a platform to achieve or oppose particular issues or projects. It is important to understand that councillors do not make decisions on their own. Decisions are made in properly constituted forums by the collective group of councillors.

The major challenge for councillors, therefore, is to convince sufficient numbers of their councillor colleagues to support their particular positions and have their issues adopted as part of the council's plans, policies or programs.

This is a complex and fluid process in an environment where there are often no formal party platforms or mandates. It means that councillors need to be very focused on working effectively with one another, and as a group.

# WORKING WITH THE COMMUNITY

Councillors provide an invaluable link between the community and the council.

A council should consult and engage its community and, in so doing, reflect the aspirations of the community.

Community planning processes help communities to identify priorities and assist the council to identify strategic issues, as well as increasing community participation and engagement.

Consultation gives citizens another opportunity to express their opinions and provide information to inform the decision-makers, prior to a decision being taken.

Consultation does not mean that councils are bound to follow the majority position on an issue. Local government is not government by referendum. Rather, good consultation means that the council knows and understands the range of community opinions about a particular issue, and can use this to inform its decision.

There are occasions when a council needs to demonstrate community leadership, particularly when considering contentious issues or issues that have divided the community. The council may be in a better position to deliberate on these types of issues because of certain information that is only available to the council; or arises from the council's perception of its role as a government elected to govern; or from its understanding of its community built upon by considered consultation and engagement processes.



# SECTION 3 FULFILLING YOUR DUTIES



- Time commitment**
- Financial entitlements**
- Rewards and benefits**
- Obligations and protocols**
- Disclosure of interests**
- Access to and use of information**
- Ceasing to be a councillor**

## TIME COMMITMENT

The role of councillor typically involves several hours each week for formal duties and many more hours for informal duties such as meeting with constituents and attending community functions.

The time commitment varies from councillor to councillor and council to council, but it could require a core commitment of 10-20 hours a week, and generally more for the mayor.

Councillors should expect to attend at least one meeting per week. Council meetings are held at least once a month, however council may have committee meetings or other activities, which form a regular schedule. Councillors often nominate for a particular committee responsibility, which holds separate committee meetings.

Regular council and committee meetings may take up more than one night in some weeks. Commitments are shared with other councillors to spread the workload.

Councillors must also find time to respond to phone calls and correspondence from constituents raising issues of concern.

While there are core commitments that councillors are expected to attend, there are also voluntary opportunities that can be taken up at the discretion of individual councillors.

There may also be involvement in external organisations, for example with neighbourhood house, school and recreational committees. These committees meet at the discretion of their membership.

Many councillors retain their employment and undertake the role of councillor in their own time. Partners of councillors are not expected to attend all civic events and receptions, however an invitation is often extended to them.

# FINANCIAL ENTITLEMENTS

Councillors are not considered employees of their council and do not receive employment benefits such as a salary and leave entitlements.

Councillors receive an allowance. Each council determines the amount to be paid to councillors within limits set by the Victorian Government. These limits vary depending on the revenue and population of each council. Mayors receive a larger allowance due to their role and increased workload.

The allowances payable to councillors and mayors for all councils are listed in Appendix C.

The allowances are adjusted annually by the State Government. An amount equal to the superannuation guarantee (9.5%) may be payable on top of the councillor allowance.

Councillors who reside in remote areas can be paid an additional allowance for each day they attend authorised meetings or functions.

Councils are required to provide administrative support, resources, facilities and reimbursement of a councillor's travel and out-of-pocket expenses. These include:

- > administrative support, an office and a vehicle for the mayor;
- > a computer, mobile phone, landline phone, stationery, access to a fax machine and photocopier for all councillors (including the mayor); and
- > the reimbursement of travel, phone, internet and childcare expenses for all councillors.

In addition, councils may decide to provide a pool vehicle and access to office space and furniture for councillors.

Income equivalent to a councillor's allowance will need to be included in their tax return. Councillors can decline to receive an allowance, in which case no tax liability would arise. Superannuation contributions to a complying fund do not represent assessable income. Councillors are also entitled to deduct expenses relevant to their election costs (to a maximum of \$1,000), and activities as a councillor.

*For further information on taxation of councillor allowances and candidate expenses, please contact the ATO on 13 28 61.*



# REWARDS AND BENEFITS

There are many rewards for serving your local community as a councillor. It is an important and challenging role and provides one of the most direct means an individual can have on influencing the decisions that affect their local area.

## Satisfaction in serving the community

Councillors, by virtue of their elected role, have influence and involvement in the planning and development of their local environment. They like getting a better deal for their community. They value being in or close to the places where decisions are made. Councillors have differing interests, motivations and skills. They will make different contributions to the council and will draw their own levels of satisfaction from the outcomes.

## Personal enrichment

Citizens elected as councillors bring with them a wide range of employment, educational, community and general life experiences. Through full participation in local government, councillors learn about democratic processes, consultation processes at a formal and informal level, and to be responsible and accountable for what they do. To see the development and implementation of programs they have initiated, or been involved with, can be rewarding.

## Professional development

Councils support new councillors by offering professional development programs. Councillors, through a combination of on-the-job experience and professional development programs, will gain knowledge and skills in areas which help them perform effectively – for example, in budgeting, corporate planning, meeting procedures, advocacy, negotiation and media. Professional development is voluntary but strongly encouraged.

# OBLIGATIONS AND PROTOCOLS

Once elected, a councillor must take an Oath of Office before the CEO, which is dated, signed and recorded in the council minutes. A councillor must also read the Councillor Code of Conduct and make a declaration that they will abide by the Code. The declaration must be in writing and witnessed by the chief executive officer.

A person who has been elected to be a councillor is not capable of acting as a councillor until the Oath is taken and the declaration has been made. Failure to take the Oath or make the declaration within three months of being declared elected will result in the office of that councillor becoming vacant.

The Oath of Office confirms a councillor's intent to carry out their role impartially, to the best of their ability, and in the best interests of the municipality.

The LG Act requires councillors to perform their duties with a high level of probity, especially when dealing with matters that may affect their material wellbeing. The community is entitled to expect that:

- > the business of the council is conducted with efficiency, effectiveness and impartiality
- > the councillor will attend all meetings of council (except where leave has been obtained) and vote on all matters except when prohibited from doing so
- > councillors and staff obey the spirit and letter of the law and, in particular, the provisions of relevant statutes, regulations and local laws.

Councillors must ensure there is no conflict or incompatibility between their personal interests and the impartial fulfilment of their public duties. There are a number of obligations and protocols councillors are expected to observe in regard to interest and conduct.

# DISCLOSURE OF INTERESTS

The rules dealing with councillor interests, their disclosure and the declaration of conflicts of interest under the LG Act are complex. A councillor who fails to disclose a conflict of interest is guilty of an offence and liable to a fine of 120 penalty units. (A penalty unit is currently \$151.67).

Guidance material is available from Local Government Victoria and the MAV.

## Register of interests

Councillors are obliged to submit a primary return which outlines all registrable interests to the chief executive officer within 30 days of election day; or within eight days of making the oath of office of a councillor; whichever is later. Thereafter, councillors are obliged to submit an ordinary return which outlines all registrable interests to the chief executive officer on or within 40 days after 30 June; and on or within 40 days after 31 December. Penalties apply for not doing so.

## Conflict of interest

A conflict of interest arises when a councillor has an interest that is in conflict with his or her duty as a councillor. If there is any doubt, councillors should seek advice from the chief executive officer and/or the governance officer.

It is wholly the responsibility of the individual councillor to decide if he or she has an interest.

The penalties for failing to disclose a conflict of interest are significant. A councillor who fails to disclose a conflict of interest is guilty of an offence and liable to a fine, if convicted, not exceeding 120 penalty units (A penalty unit is currently \$151.67). The person would be disqualified from continuing to be a councillor for a period of eight years after the conviction.

A councillor who has a conflict of interest must make a full disclosure of that interest by advising the council at the meeting of the type of interest that has given rise to the conflict. That is, either a direct interest or an indirect interest specifying the particular kind of indirect interest, and describing the nature of the interest.

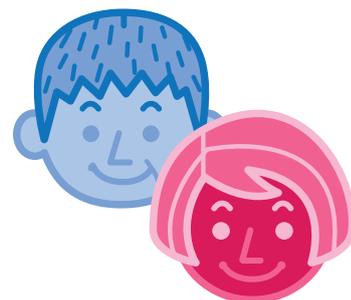
Alternatively, the councillor may advise the chief executive officer of these details in writing before the meeting. The councillor then only needs to make a disclosure of the class of interest only to the meeting immediately before the matter is considered.

A councillor who is disclosing a conflict of interest must immediately - before consideration or discussion of the matter - leave the room and remain outside the room and any gallery or other area in view or hearing of the room. They must not participate in the discussion and the vote.

The chief executive officer must record in the minutes of the council meeting all declarations of a conflict of interest; and the classification of the interest that has given rise to the conflict, and the nature of the interest if it has been disclosed to the meeting.

Where a councillor has disclosed the conflict of interest to the chief executive officer in writing before the meeting, the chief executive officer must keep all written disclosures in a secure place for three years after the date the councillor who made the disclosure ceases to be councillor or member of a committee; and destroy the written disclosure when this three year period has expired.

Local Government Victoria has produced a useful concise guide for councillors on conflict of interest. It also provides examples of direct and indirect interests (discussed on page 18), and contains a useful checklist to assist councillors in deciding whether they may have a conflict of interest.



## Interests

The LG Act distinguishes between direct and indirect interests.

A direct interest is held where there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of a councillor would be directly altered if the matter is decided in a particular way, and the benefit or loss can be measured in financial terms. A direct benefit is also held where a councillor has, or together with a member or members of the family have a controlling interest in an entity that has a direct interest in the matter before the council.

Indirect interests are more complex and comprise six categories of interests:

- > by close association
- > an indirect financial interest
- > conflicting duties
- > receipt of an applicable gift
- > as a consequence of becoming an interested party
- > impact on residential amenity.

An indirect interest arises as a consequence of a particular matter being brought before the council for consideration and decision.

A direct interest or an indirect interest by close association arises where a family member of a councillor has a direct interest or an indirect interest in a matter; his or her relative has a direct interest in a matter; or a member of his or her household has a direct interest in a matter.

An indirect financial interest arises if a councillor is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.

An indirect interest because of a conflicting duty arises if a councillor holds/held one of the following positions or roles and, in that position or role, dealt with the matter:

- > is a manager or a member of a governing body of a company or body that has a direct interest in a matter
- > is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter
- > is a trustee for a person who has a direct interest in a matter.

An indirect interest having received an applicable gift arises when a councillor has received one or more gifts with a total value of, or more than, the gift disclosure threshold (currently \$500), from certain persons in the five years preceding the decision or the exercise of the power, duty or function but excludes:

- > reasonable hospitality received by the person at an event or function the person attended in an official capacity as the mayor or a councillor; or
- > a gift, other than an election campaign donation, that was received by a councillor more than 12 months before he or she became a councillor.

An indirect interest as a consequence of becoming an interested party arises where a councillor becomes an interested party in the matter by initiating or becoming a party to civil proceedings in relation to the matter.

An indirect interest because of impact on residential amenity arises where there is a reasonable likelihood that the residential amenity of a councillor will be altered if the matter is decided in a particular way.

The LG Act also sets out various circumstances where a councillor is deemed not to have a conflict of interest despite their having an interest – either direct or indirect.

## Personal interests

Councillors are expected to participate in the discussion and vote on all matters, unless they have declared a conflict of interest.

However there are times that a councillor may have a personal interest, which is neither a direct or an indirect interest in a matter, in relation to a matter that is in conflict with his or her public duty. The councillor may apply to the council to be excused from voting on the matter.

The councillor would, immediately before the matter is considered at a meeting, ask the council to be excused and in doing so give reasons in support of the application. The council may consent to such an application and must not unreasonably withhold its consent. If consent is given, the personal interest is treated in the same way as a conflict of interest.

# ACCESS TO AND USE OF INFORMATION

Councillors are given access to all information held by the council necessary for them to properly perform their duties and meet their responsibilities. However, a councillor must not use council information to gain advantage for themselves or any other person or body, which is inconsistent with their responsibility to be impartial.

The LG Act makes it an offence for a councillor to misuse his or her position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or to cause, or attempt to cause, detriment to the council or another person.

The LG Act defines misuse of position as including, among other things:

- > making improper use of information acquired as a result of the position he or she held or holds or
- > disclosing confidential information.

Misuse of position carries a penalty of 600 penalty units (A penalty unit is currently \$151.67) or imprisonment for five years, or both.

Councillors must be careful not to disclose any confidential information. The unlawful disclosure of confidential information carries a penalty of 120 penalty units. The LG Act sets out circumstances where a person may disclose confidential information. There are three specific circumstances where information can be deemed confidential:

- > if it is provided at a closed meeting of the council or a special committee
- > designated by resolution of a council/special committee; or
- > designated by the chief executive officer.

# CEASING TO BE A COUNCILLOR

A person is not capable of becoming or continuing to be a councillor if he or she:

- > is convicted of a statutory offence under the LG Act
- > is a member of State or Federal Parliament
- > is employed as a ministerial officer, parliamentary advisor or electorate officer by a member of State, Territory or Federal Parliament unless the person has taken leave of absence from that office
- > is a councillor in another Australian council, unless they resign from that position before nominating
- > is a member of council staff in the municipality and has not taken leave to stand for election
- > is convicted of a statutory offence under the LG Act
- > is an undischarged bankrupt
- > has property that is subject to control under the law relating to bankruptcy
- > is of unsound mind
- > has not taken the oath of office or made the declaration to abide by the Councillor Code of Conduct
- > is not a person referred to in section 48 (1)(a) of the *Constitution Act 1975*

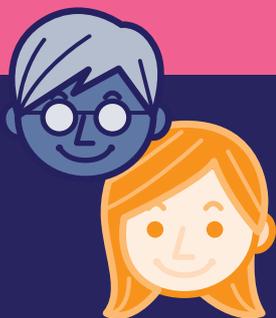
- > is disqualified from managing corporations under part 2D.6 of the *Corporations Act* (Commonwealth)
- > has been disqualified under the LG Act, after a finding of gross misconduct and the VCAT order of a period of disqualification has not expired
- > has been convicted of an offence punishable upon first conviction by a term of two years or more imprisonment within eight years of the date of conviction.

A councillor can also be disqualified from continuing as a councillor if they are incapable of fulfilling their role under the LG Act or cease to have a qualification entitling them to continue in office.

All councillors go out of office at 6am on the day of the general election and can retire from office by not nominating for re-election. As councillors are accountable to the community, their performance over their term of office will have a bearing on their electoral success if they stand for another term.

A councillor can resign in writing to the CEO. This is a significant decision as council may need to conduct a by-election to fill the extraordinary vacancy created by the resigning councillor.

# SECTION 4 STANDING FOR COUNCIL



- Postal v attendance elections
- Eligibility to stand
- Wards and councillor numbers
- Nominating for election
- Candidate fees
- Election campaign donations
- Electoral materials
- Candidate statements



## POSTAL V ATTENDANCE ELECTIONS

The LG Act allows a council to decide whether voting will be conducted in person (attendance voting) or by post (postal voting). The vast majority of Victorian councils conduct their election by postal vote. The procedures for the conduct of voting by attendance and by a postal vote are set out in the LG Act and the electoral regulations.

**CAUTION:** at the time of preparing this booklet the State Government was reviewing its electoral regulations. The Local Government (Electoral) Regulations 2016 will become operational after publication of this book. Prospective candidates should attend the returning officer's information session for your council and obtain a candidate kit and handbook from the Victorian Electoral Commission (VEC). The kit and handbook will contain the latest legislative requirements. For more information go to: [www.vec.vic.gov.au](http://www.vec.vic.gov.au)

### Attendance voting

For attendance elections, public notices will outline the times and locations of voting centres where voters may vote on election day. Voters will be advised how to cast their vote early or apply to vote by post if they cannot attend in person to vote on election day.

### Postal voting

Each voter will receive a ballot paper, postal vote certificate/declaration, candidate statements and preferences if any (currently under review by the State Government), instructions on how to vote and a pre-paid envelope for the return of the ballot paper and declaration. Postal ballots must be received by the returning officer by 6pm on the last day of polling.

# ELIGIBILITY TO STAND

A person may stand as a candidate if they are entitled to be on the voters' roll in respect of any ward of the council in which the election is being conducted.

There are a number of situations that will cause a person to be ineligible or disqualified from nominating as a candidate for election to council. They are important to know about, as it is an offence to nominate as a candidate when not qualified to do so.

## Disqualifications

The LG Act disqualifies a person if he or she:

- > is a member of the Parliament of Victoria, Australia or any other Australian state or territory
- > is employed as a ministerial officer, parliamentary adviser or electorate officer by a member of the Parliament of Victoria, Australia or any other Australian state or territory
- > is a councillor of another council in Victoria or a councillor or member of council of any other state or territory of Australia
- > is an undischarged bankrupt or person whose property is subject to control under the law relating to bankruptcy
- > is a person of unsound mind
- > is a member of council staff for which the election is being held and has not taken leave to stand for election
- > is a person not entitled to be enrolled as an elector for the Legislative Council and Assembly
- > was disqualified after a finding of gross misconduct by VCAT and the period of disqualification has not expired
- > is 'incapable' of becoming a councillor
- > is disqualified from managing corporations under Part 2D.6 of the *Corporations Act* (Commonwealth)
- > has been convicted of an offence committed when he or she was of or over 18 years of age, which is punishable upon first conviction by a term of imprisonment of two years or more.

A person cannot become a councillor for a period of eight years from the date of the conviction for the following offences:

- > making improper use of information and/or position as a councillor
- > breaching the provisions relating to conflict of interest
- > electoral offences
- > gross misconduct.

A person is also incapable of nominating as a candidate for a period of eight years if they have been convicted of an indictable offence, or one of the statutory offences listed in section 29 of the LG Act.

If a prospective candidate is unsure about their entitlement, they should seek advice to clarify their situation.

A returning officer has the power to force the retirement of a candidate and remove the candidate from the ballot paper before an election.

Should a returning officer believe a candidate may not be qualified, or is disqualified from nominating under the Act, the returning officer must send a notice specifying the reasons for that belief and inviting a response as to why the candidate should not be prevented from contesting the election.

If the candidate does not respond or provides insufficient reasons, the returning officer must either reject the nomination (if nominations have not yet closed) or advise the candidate that he or she has retired and provide the reasons why. The candidate will cease to be a candidate from the date the advice of the rejection or retirement is sent.

A returning officer would be expected to only exercise the power to enforce a retirement where clear evidence of a disqualification has been presented.

# WARDS AND COUNCILLOR NUMBERS

A 'council' consists of the councillors, who are democratically elected and must consist of no fewer than five but no more than 12 councillors.

The council electoral structure may be configured so that it is subdivided into a number of wards or remains un-subdivided, meaning that there are no wards.

A council that is subdivided may have one or more councillors to represent each ward. If subdivided, the elected councillors represent the whole area of the municipality, although elected by voters in their respective wards.

The structure of each council is subject to review every second election. The review is conducted by the Victorian Electoral Commission and communities are consulted as part of this process. The review aims to provide fair and equitable representation for voters and considers factors including demographics, communities of interest and population growth.

## NOMINATING FOR ELECTION

**Nominations open on the day the voters' roll is certified and available. Nominations close at 12 noon on the 32nd day before election day.**

Dates for lodging nominations are generally advertised in the local press.

All candidates must nominate in person before the returning officer.

Candidates must pay a nomination fee and complete a nomination form which includes:

- > the name of the council (and ward, if applicable) for which he or she is nominating as a candidate
- > a declaration stating the candidate's eligibility to be a candidate and their awareness that it is an offence under the Act to submit a notice of candidature if a person is not qualified to be or capable of being a councillor
- > signature and date.

Candidates for the positions of lord mayor and deputy lord mayor in the case of City of Melbourne and mayor for City of Greater Geelong cannot nominate for councillor at the same time. The returning officer must accept the first received valid nomination and reject all subsequent nominations from the same candidate.

Nomination forms are available from the returning officer. Candidates are prohibited from nominating for election to more than one council.

The returning officer must reject a nomination from a person who is not on the voters' roll.

A person is not eligible to be a candidate for election if the nomination form is not properly completed or the nomination fee has not been paid.

### CANDIDATE NOMINATION FEE

**The fee for candidates nominating to stand for council is \$250.**

The nomination fee must be paid in cash or by bank cheque and lodged with the nomination form to the returning officer.

The nomination fee is returned to a candidate if the candidate is successfully elected to council or receives at least four per cent of the total number of first preference votes.

# ELECTORAL MATERIALS

The LG Act sets out the type of material that can be authorised and published during the election period.

Approval is required for candidates to use 'how-to-vote' cards. A 'how-to-vote' card is defined as any card, handbill, pamphlet or notice that:

- > includes a representation or partial representation or purported representation or purported partial representation of a ballot-paper for use in an election; or
- > lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates.

A 'how-to-vote' card must include the name and address of the person who authorised it.

The returning officer must register 'how-to-vote' cards for attendance elections.

A candidate can apply to the returning officer for registration of a 'how-to-vote' card from the first working day after the close of nominations until 12 noon on the sixth working day before election day.

The returning officer must register or refuse to register a 'how-to-vote' card before noon on the next working day after receiving it. A candidate may seek to have a returning officer's decision reviewed by VCAT. A registered 'how-to-vote' card must have the following endorsement at the end of the card: 'Registered by the Returning Officer for \_\_\_\_\_'

There are additional provisions relating to the printing and publication of 'electoral material' that candidates need to be aware of and comply with.

All electoral material must not be printed, published or distributed unless the name and address of the person who authorised the material appears at the end of the material.

If electoral material does not meet the definition of a 'how-to-vote' card, it does not require registration by the returning officer. However, a 'how-to-vote' card is the only material that can be distributed within 400 metres of a voting centre during the hours of voting.

For postal elections, the electoral materials - candidate statement and indication of preferences (currently under review by the State Government) - does not need to be registered, but it must still be authorised. See the next section on Candidate Statements for further details.

*Appendix D contains a summary of the offences that candidates need to be aware of in relation to campaigning and electoral materials.*

# CANDIDATE STATEMENTS

A candidate who has nominated for an election being conducted by postal voting is allowed to prepare a candidate statement to be included with the posted ballot materials.

The candidate statement must be lodged with the returning officer no later than 12 noon on the day following the close of nominations, and must be compliant with the electoral regulations in order to be published and included in the ballot material posted to all voters.

The candidate statement must contain no more than 150 words (currently under review by the State Government). The written statement for candidates standing jointly for the office of lord mayor and deputy lord mayor may be no more than 250 words.

The returning officer may liaise with any candidate about the contents or form of the personal statement and amend it in accordance with the candidate's written consent. Any statements that contain a reference to another candidate without the written consent of that other candidate must be rejected.

The returning officer may also reject a statement if, in their opinion, it contains offensive or obscene material, or is likely to mislead or deceive a voter in the casting of their vote. A candidate may be entitled to amend their statement and resubmit it within required timelines.

A candidate may also lodge a recent passport-size photograph (which should be a minimum of 300dpi) and an indication of preferences, which contains the candidate's preferred order of voting no later than 12 noon on the third day after the close of nominations (currently under review by the State Government). This must be done in the form and order that each candidate appears on the ballot paper, and should only place a number in the square opposite the names, which indicates that candidate's preferred order of voting.

# ELECTION CAMPAIGN DONATIONS

All candidates are required to complete and submit an 'election campaign return' to the CEO of the council in which they stood as a candidate.

The return must be submitted within 40 days after the election day. The return must contain the details of any 'gift', including goods or services, valued at more than \$500 received during the 'donation period'.

The donation period starts from 30 days after the previous election and finishes 30 days after the current election. A penalty applies for failing to submit a return or for providing particulars or information that the candidate knows to be false or misleading. A return must be submitted even if no campaign donations were received.



# SECTION 5 THE ELECTION PROCESS



Entitlement date

Voters' roll

Election caretaker period

Eligibility to vote

Voting at a council election

Ballot paper order

How votes are counted

Withdrawing or retiring from an election

Declaration of election results



## ENTITLEMENT DATE

Entitlement date is the day on which the voters' roll is closed to further enrolments by potential voters. Entitlement date occurs 57 days before election day, or if this date is a public holiday, the entitlement date is the last working day before the public holiday.

This means that people need to have:

- > notified the Victorian or Australian Electoral Commission of any changes of address; or
- > notified the council of any changes in property ownership; and
- > applied to be on the voters' roll (if not automatically entitled) on or before entitlement date in order to be enrolled to vote at the forthcoming council elections.

Where the entitlement to be enrolled is automatic, a failure of the process to pick up corrections that should have been made can still be corrected by the council. However, where the entitlement required some action (such as an application) on the part of the potential voter, and that action has not been taken before entitlement date, it is less likely that any correction can be undertaken in time for the coming elections.

If a person is not on the voters' roll they cannot be a candidate at the election.

**CAUTION:** at the time of preparing this booklet the State Government was reviewing its electoral regulations. The Local Government (Electoral) Regulations 2016 will become operational after publication of this book. Prospective candidates should attend the returning officer's information session for your council and obtain a candidate kit and handbook from the Victorian Electoral Commission (VEC). The kit and handbook will contain the latest legislative requirements. For more information go to: [www.vec.vic.gov.au](http://www.vec.vic.gov.au)

# VOTERS' ROLL

**Before each election, a voters' roll must be prepared by the registrar.**

The voters' roll must be prepared in accordance with procedures set out in the LG Act.

Compilation of the voters' roll no longer involves the preparation of an exhibition roll. Voters are able to check their enrolment with the VEC or their council. The certified roll must be available for four weeks prior to the election day.

The certified voters' roll must be available for inspection by the public for the period from the day the roll is certified until 30 days after election day. However, access to the rolls is limited to purposes relating to elections, polls and council communication with constituents. Access for any other purpose must be approved by the Privacy Commissioner.

A person not on the roll can make an unenrolled vote at the election. This is subject to the returning officer being satisfied that they have an entitlement to vote.

# ELECTION (CARETAKER) PERIOD

**Similar to the practice with federal and state government elections, Victorian councils observe special arrangements during the period leading up to a general council election. Caretaker arrangements are applicable during the election period, which begins 32 days prior to a general election.**

The caretaker arrangements broadly seek to avoid the use of public resources in a way that may unduly affect the election results, and to not make major decisions that may bind the incoming council.

In relation to the election caretaker period:

- > There are prohibitions on the council making major policy decisions
- > A council must adopt an election period policy to be applied during the election period
- > The LG Act prevents a council from publishing or distributing material likely to influence voting at the election.

## Major policy decisions

A major policy decision is defined as being a decision:

- > Relating to the employment or remuneration of a chief executive officer other than a decision to appoint an acting chief executive officer
- > To terminate the appointment of a chief executive officer
- > To enter into a contract the total value of which exceeds either \$150,000 for goods and services and \$200,000 for works or 1% of council revenue from rates in the preceding financial year (whichever is the greater)
- > To exercise any power under Section 193 (entrepreneurial power) if the sum assessed exceeds either \$100,000 or 1% of council revenue from rates for the preceding financial year (whichever is the greater).

## Election period policy

A council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by council during the election period for a general election.

The first election period policy must be adopted by 31 March 2016. The policy must be reviewed and, if required, amended not later than 12 months before the commencement of each general election period.

An election period policy must include:

- > Procedures intended to prevent the council from making inappropriate decisions or using resources inappropriately during the election period
- > Limits on public consultation and the scheduling of council events
- > Procedures to ensure that access to information held by council is made equally available and accessible to candidates during the election.

A copy of the election period policy must:

- > Be given to each councillor as soon as practicable after it is adopted
- > Be available for inspection by the public at the council office and any district office
- > Be published on the council's website.

Inappropriate decisions made by a council during an election period include:

- > Decisions that would affect voting in an election
- > Decisions that could reasonably be made after the election.

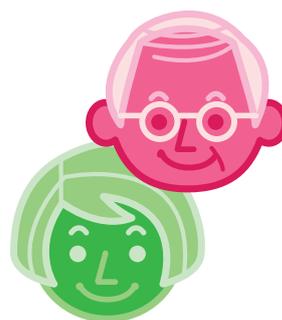
## Electoral material

A council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the chief executive officer.

The publication of a document of the kind specified above does not include:

- > Publication of any document published before the commencement of the election period
- > Publication of any document required to be published in accordance with, or under, any Act or regulation.

Documents published before the election period commences, but are still available (such as on the website), do not require certification and are not subject to the prohibition. Statutory documents permitted under legislation such as rates notices, food premises registrations etc. can continue to be disseminated during the election period without limitation.



## ELIGIBILITY TO VOTE

**A voter in a council election must be at least 18 years of age by election day and must be entitled to be enrolled on the voters' roll by qualifying as a resident or ratepayer.**

A resident who is enrolled for state elections on entitlement date is automatically enrolled on the voters' roll for a council election.

A ratepayer can be the owner(s) or occupier(s) of a rateable property within a council area. A maximum of two ratepayers can be enrolled on the voters' roll for a council election. Generally up to two owners will be automatically enrolled by the council.

A resident owner who is not on the state electoral roll can apply for enrolment on the council voters' roll. If an owner is a corporation, the council will not automatically enrol it but the corporation can apply to enrol one of its directors or company secretary as a voter.

Up to two occupiers of a single property are eligible to apply for enrolment in place of the owner(s) only if they pay the rates and only with the written agreement of the owner(s), unless the council rate notice is addressed directly to the occupiers.

Enrolments by application (from occupiers or resident owners) are only valid for a single term of council. Before the next election the council will send a letter to each person whose enrolment is due to expire and advise how they can re-enrol if they are still eligible.

A person can only be enrolled once in a council area, even if the person has entitlements in more than one ward.

## VOTING AT A COUNCIL ELECTION

**Voting is compulsory for all people enrolled on the voters' roll in respect of the ward in which the voter's principal place of residence is located.**

However, voting is not compulsory for non-resident voters, those aged 70 years or more or voters absent from Victoria during the voting period. A person is only entitled to vote once in respect of each municipal district (council) for which they are enrolled to vote.

Responsibility for enforcing non-voting has been transferred from the council chief executive officer to the Victorian Electoral Commission (VEC). The VEC is now solely responsible for all aspects of the administration and enforcement of non-voting at council elections. This includes serving failure-to-vote notices, infringement notices and prosecuting offenders in court.

To assist voters, early voting centres may be opened by the returning officer from the day after the close of nominations until the day before election day. Applications may also be made for a pre-poll postal vote, to allow entitled voters to vote before election day.

# BALLOT PAPER ORDER

The returning officer must as soon as practicable after 12 noon on the 32nd day before the election day hold a ballot by lot to determine the order in which the name of each candidate is to appear on the ballot paper.

## HOW VOTES ARE COUNTED

The proportional representation (PR) method is used for counting election results for un-subdivided councils and multi-member council wards. The preferential system of voting is used to count results in single member council wards.

Election of the City of Melbourne's councillors uses a different form of the proportional representation method which is set out in the *City of Melbourne Act 2001*.

### Preferential voting system

This system is referred to as the preferential system. It applies where an electorate is electing a single member. The preferential system also applies to the direct election of the mayor for City of Greater Geelong.

Under the preferential system, all valid first preference votes are counted and sorted to ascertain the number of first preferences for each candidate.

Where one candidate has a majority (50% plus 1) that candidate is declared elected. If no candidate has an absolute majority the candidate with the fewest votes is eliminated and their votes are allocated to their second preferences. This process is repeated until one candidate obtains an absolute majority and is declared elected.

### Proportional representation

Proportional representation is used for counting election results for councils that aren't subdivided, and where there is more than one councillor to be elected in a ward.

Candidates are elected in proportion to the number of votes they receive. This doesn't require a candidate to obtain an absolute majority of votes to be elected.

The returning officer will determine a quota.

The quota is obtained by dividing the total number of formal votes by one more than the number of candidates required to be elected, then increasing the result by one. For example, in an unsubdivided ward with seven councillor positions and 60,000 formal votes, the quota would be  $[60,000 \div (7+1)] + 1 = 7501$ .

Any candidate who receives a number of first preference votes equal to, or greater than, the quota is elected. If no candidate receives a quota on first preference votes, the candidate with the lowest number of first preferences is excluded and his/her votes are distributed. If no candidate has achieved a quota, this process is repeated until a candidate achieves the quota.

Should a candidate gain an exact quota, he or she is declared elected and his or her ballot papers are set aside as finally dealt with as there are no surplus votes to distribute. If the elected candidate receives more votes than the quota, that candidate's surplus votes are transferred to the remaining candidates according to the preferences on the ballot papers.

Because it is not possible to tell which votes elected the candidate and which are surplus, all the candidate's votes are transferred but at a value less than one. The value of the transferred votes is calculated by dividing the surplus by the total number of ballot papers for the candidate. Each ballot paper transferred to another candidate has this value. Any candidate who has gained the quota once the surplus votes have been transferred is elected.

If there are still vacancies to fill once the surplus votes have been distributed, the candidate with the lowest number of votes is excluded. The excluded candidate's ballot papers are then transferred to the remaining candidates (at the value they were received), according to the preferences on them.

This process of transferring surpluses from elected candidates and distributing preferences from excluded candidates continues until all vacancies have been filled. If all the vacancies haven't been filled, the surplus votes of each elected candidate will be transferred to the continuing candidates according to a formula.

If all vacancies haven't been filled when the surplus votes have been distributed, candidates with the lowest number of votes are excluded. This process continues until all vacancies are filled.

The returning officer is permitted by the electoral regulations to use electronic voting equipment to assist in the counting of votes.

The Victorian Electoral Commission has more detailed information on its website to explain the proportional representation voting system.

For more information on the voting systems and counting methods for local government elections contact the Victorian Electoral Commission (VEC) on 13 18 32 or go to [www.vec.vic.gov.au](http://www.vec.vic.gov.au).

## WITHDRAWING OR RETIRING FROM AN ELECTION

**A candidate may withdraw a notice of candidature before 12 noon on the 32nd day before election day (i.e. before the close of nominations).**

The notice of withdrawal must be in writing and must be signed by the withdrawing candidate. The returning officer must keep the notice of candidature and retain the nomination fee paid by a candidate who withdraws.

After the close of nominations, a candidate may 'retire' as a candidate before the day of the election if retirement will result in an uncontested election.

To retire in any other circumstances, one of the following must apply to the candidate:

- > The candidate is not qualified to be a candidate as required by section 28(1)
- > The candidate is disqualified by section 29(1) or (2).

The candidate must give the returning officer a written statement specifying that the candidate is not qualified (section 28(1) or 29(1) or (2) as appropriate), and attach evidence in support of that statement and a notice of retirement signed by the candidate.

Note also the power of the returning officer to force a retirement. Refer to section 4 - Eligibility to Stand for further information.

## DECLARATION OF ELECTION RESULTS

**The returning officer will publicly declare results as soon as practicable after election day giving the names of the candidates elected.**

At the time of printing, the VEC's timetable is to declare all elections before 5pm on Friday 28 October 2016. The current review of the Electoral Regulations may impact this timetable. Please check with the VEC.

The returning officer is required under the LG Act to give public notice of the result of the election and to advise the Minister of the result.

### **Right to appeal to Municipal Electoral Tribunal**

The LG Act makes provision for a candidate, any 10 persons who are entitled to vote, and for a returning officer who disputes the validity of an election to apply to the Municipal Electoral Tribunal (MET) to conduct an enquiry.

A MET is constituted by a magistrate. An application to MET must be lodged within 14 days of the declaration of the election.

# SECTION 6 GETTING ELECTED



**Introduction to campaigning**  
**Advertising**  
**Door knocking**  
**Photographs**  
**Using the media**

## INTRODUCTION TO CAMPAIGNING

This section provides an overview of various approaches to campaigning, and includes information on campaign brochures, door-knocking, advertising, and using the media and social media.

To campaign effectively you need to plan and be prepared. It is important that you know:

- > Information about the area in which you are standing
- > Information about the procedure of the election and voting processes.

The earlier you start your campaign, the more effective it will be.

You need to consider what message you want to communicate to voters and how you can best deliver that message. This might include:

- > Phoning, writing or emailing people you know
- > Distributing a brochure
- > Door knocking people in your local area
- > Seeking endorsements through local organisations
- > Attending shopping centres and recreational activities to 'meet the people'
- > Obtaining coverage in local press articles
- > Placing advertisements

- > Submitting information for local paper 'profiles' of candidates
- > Going to public meetings
- > Creating a website
- > Using social media, for example, Facebook, Twitter, YouTube, LinkedIn etc.

Your approach will depend on the likely strength of your opposition, what methods are most effective in reaching voters in your area, your own time availability, financial resources, the number of helpers you can organise, and the size of the area.

When organising your campaign, there are two points to remember:

- > Voting at local council elections is compulsory for those whose principal place of residence is in the municipality.
- > Local government is locally based and personalised so your campaign should reflect this.

*There are some campaign offences that candidates should be aware of. A summary of these offences is contained in Appendix D.*

# ADVERTISING

## Campaign brochures

Many candidates use brochures as a vehicle for providing information to voters. They can be used when door knocking, handed out at community events or distributed in letterboxes.

Brochures may include:

- > A candidate slogan
- > Introduction about yourself
- > Photos of yourself, including action shots
- > Your hopes and aspirations if elected
- > Third-party positive endorsements from prominent people or community leaders such as past and present local politicians, church leaders, service club leaders, sporting association leaders, migrant associations, progress associations, chambers of commerce etc
- > Surveys to obtain important feedback from voters on issues important to them, and which may lead to the production of a second brochure publishing the results of the initial survey
- > An open letter to voters
- > Voter information about the election, e.g. when it is anticipated that postal ballots will arrive and when they must be returned, or if attendance voting, where the polling places will be located and when they are open
- > Information about pre-poll voting or postal voting
- > Your suggested 'how-to-vote' card

*Refer to section 4 – Electoral material for further details about registered and authorised 'how-to-vote' cards.*

## Some important details

- > As a candidate, never use the official council logo
- > Never use photos of other people without permission
- > Any written material promoting your campaign, including electoral advertisements, handbills, pamphlets, notices etc, must have the name and address of the person who has authorised the material at the end
- > If producing a 'how-to-vote' card within your pamphlet, make sure it has been registered by the returning officer
- > Always proof read your pamphlet before production. A spelling mistake makes you look unprofessional and has the potential to cost votes
- > Ensure your information is accurate and does not contain offensive material or language
- > Make sure that your election material does not contain anything that is likely to mislead or deceive an elector in relation to their vote. There is a penalty for printing, publishing or distributing any election material that is misleading or deceptive
- > When in doubt always ask the returning officer.

## Posters

Posters can be a great way of building the profile of a candidate.

Many candidates rely on A4 or A3 size posters of themselves displayed around the ward, for example in newsagents, pharmacies, bakeries and butchers' shops.

Again, always make sure that the name and address of the person who has authorised the poster is at the end of the poster.

## Advertising in the media

The scope of advertising depends on the amount of money you can dedicate to this form of promotion.

Many local papers have a levy or surcharge if published within the first five pages, or on the right hand side of the paper, so take this into account when budgeting for advertising.

Many candidates advertise their 'how-to-vote' card with a photo in the local paper a week before voting.

# DOOR KNOCKING

Door knocking is one of the most effective and important ways of campaigning. It brings you face-to-face with the community, providing you with the opportunity to hear about their concerns and issues, as well as giving you a chance to inform them of your approach and what you stand for.

## But what do I say?

A suggested good opening line is:

"Good morning/afternoon my name is Ms Smith and I am doing some door knocking in your neighbourhood today as I have decided to stand for council at the coming elections on... Are you aware there are council elections happening?"

## Important points when door knocking

- > This is a very important time for you as you have the opportunity to learn and understand issues and concerns that are important to residents. It is an opportunity to harness these concerns that could provide detail for future campaign platforms and brochures
  - > Always know and understand the voting detail. For postal ballots, know when to expect ballot papers to arrive in the mail and when they need to be returned by. For attendance voting, make sure you are familiar with the hours that the polling booths are open and where they will be located
- > Always look presentable. Door knocking may be the only opportunity voters will have to meet you in person, so remember first impressions are important
  - > For safety reasons, you may prefer to have another person with you when door knocking
  - > Try to avoid door knocking at inconvenient times of the day such as meal times
  - > Time permitting, visit a block of houses in one area then travel to another part of the ward and door knock another area in order to obtain a cross-section of views across the entire ward
  - > While it is preferable to visit every household, if you have restricted time you may choose to knock on every second or third door in a street
  - > Always leave the voter a calling card, as it is something for them to remember you by
  - > Depending on the situation and the amount of time you have, try not to be held up for too long at each house
  - > If asked or prompted to follow up on concerns raised always try to do so, either in writing or over the phone, even if the response is not to the voter's liking
  - > If residents are not at home, leave your calling card in the letterbox but not under the front door, as this tells everyone that no one is home
  - > Always close the gate behind you.

# PHOTOGRAPHS

Photographs are one of the most essential tools for getting your campaign message across.

People are becoming less willing to read printed material. They prefer to scan printed material, taking in parts that appear interesting.

Good photos are a valuable investment for your campaign. They draw the reader in and can ensure that your printed material is both interesting and informative.

But like every aspect of your campaign, good photos won't happen without planning. Photos act as entry points. A voter gets more information in a shorter space of time from a photo or several photos than from the written word.

Poor quality or boring photos just turn the reader away. In most campaigns where television and radio are not viable options, photos will form the basis of nearly every aspect of the campaign including newspaper advertisements, postal vote card, pamphlets, letterhead, posters and how-to-vote cards.

## Steps to planning good photos:

### 1. Understand the purpose of the photo

A good campaigning photo must meet two tests:

- > Is it arresting enough to grab the reader's attention and lure them into reading the copy?
- > Does it deliver your campaign message?

For example, a photograph of the candidate listening to local residents depicts someone who is in touch.

### 2. Decide what you need

Work out roughly how many photos you think you will need. A simple door-knocking card probably only requires a head and shoulders photo, but a pamphlet may require four or five photos.

If you are producing several pamphlets you may require many photos. You may also decide that you require photos in different situations that depict your stand on various issues.

### 3. Hire a professional photographer

A professional photographer is a must when relying on photos to get your message across to voters. The photographer must be able to work as a photojournalist, i.e. capture you 'on the run'. If you don't know anyone, check advertisements in local papers, online or in the yellow pages and start interviewing.

Think about:

- > The number of different photos needed
- > Your budget for photography. Generally professional photographers charge an hourly or daily rate and a set charge for preparing each photo ordered. There may be additional charges for proof sheets if requested/supplied.
- > Check what format the photographs will be supplied in – prints or digital files or both?
- > Brief your photographer on how you will be using the photographs and request high resolution photos. Generally you will need a minimum size 1MB digital file for producing print quality brochures, and bigger for posters.
- > Turn around time for delivery of final prints/files
- > Time needed to complete the shoot.

When discussing your requirements with photographers, get an estimate of the time needed for the shoot and the total costs.

### 4. Points to remember when planning your photo shoot

- > Get your photos done as soon as possible, don't wait until just before the election
- > Plan your photo shoot in detail – where will you take the photos, what will you be doing in the photos, what messages do you want to convey, do you need to involve other people?
- > You can never have too many photographs. It is better to have more to select from
- > Plan what you will wear and what props you may need. Completing the photo shoot in one block of time will save costs, but a change of clothes is advisable to ensure the photos look more natural. Props such as a clipboard may be useful in depicting door knocking for example

- > When taking photos of people try to be spontaneous. Let people carry on a conversation about whatever the subject matter of the photo is. This will help to get real emotions and facial expressions, and suitable body language
- > Keep in mind that the light in the middle of the day is hard for outdoor shots. Early morning or late afternoon gives the best lighting
- > Always remember to get the permission of the people you are using in your photos.

### 5. Head and shoulders photos

These are one of the most basic photos that no campaign can do without. Watch out for photographs that are too dark or too light. The photos ideally would be taken with a plain background that is contrasting in colour to the clothes you are wearing.

Always attempt to take the shot with your full upper body in the frame, avoid cutting off shoulders and upper arms.

Photos should always look facing into the text. Left-facing photos should be positioned on the right hand side of the text and vice-versa.

### 6. Photos on the cheap

Although nothing can replace a professional photographer, few candidates can afford to have a full-time photographer following them around all the time.

It is worthwhile always carrying a camera and taking photos if the opportunity arises. Don't just take one shot and hope it will be all right. Take several at the one time from different angles so you will have different ones to choose from. These on-the-go photos are also useful for posting on social media, if social media is forming part of your campaign activities.

## USING THE MEDIA

**Remember it is a competitive environment. You may have sitting councillors who are well known to the media and the local community which you hope to represent.**

Many successful candidates have used the following formula when dealing with the media:

- > Personally introduce yourself as a local candidate for the relevant ward. Make sure you leave them with the correct spelling of your name, your telephone number and your mobile telephone number, and a photo of yourself
- > Take any written information with you, such as your campaign brochure and articulate your main platform. Ensure that there are only three to four key issues and be certain of your facts.

- > Highlight your number one issue if you are with the journalist/editor
- > Issue media releases about your campaign issues on a regular basis BUT do not become a serial media release issuer. Pick the issues you most want to be heard on to avoid journalists regarding your media releases akin to junk mail
- > Utilise the 'Letters to the Editor' section of your local paper/s, BUT be selective. Do not become a serial letter writer
- > Local radio may contact you as a result of articles published in the newspaper. When they telephone you, DO NOT provide answers immediately. Ask them what they want to speak to you about and what their deadline is. If their deadline is within the next 30 minutes, tell them you will ring them back in 10 minutes. This gives you breathing space to think about what you are going to say
- > In all cases remember it is your interview and PLAN what you want to say!

### Handy tips with press releases

- > Always introduce the person putting out the media release, never assume that the journalist will know who you are; e.g. "Candidate in the upcoming council elections for ..... today said that ....."
- > Once you have introduced yourself, then refer back to yourself by name; e.g. "The prospect of massive rate increases is dire" Ms Smith said
- > The opening sentence should always contain what the media release is about in one sentence if possible e.g. "Park in disrepair despite funding promise", Julie Smith said today
- > Try to answer the following questions in the first sentence of the release: who, what, where, when, how and why
- > Try to answer all the questions any reasonable and inquiring person might ask. Also try to pre-empt any claims or questions that may arise
- > Once you have established what the media release is about, the rest of the release should be one-paragraph sentences, spoken or attributed to the person
- > Try to keep the media release to one page. Journalists will rarely read two pages of a release
- > Try to present a positive alternative. In a competitive environment such as a campaign, it's easy to fall into the trap of criticising everything. Think about the image you want to create of yourself, which probably isn't one of a whinger. Also, if the first part of the media release is filled with negative clichés, it may not grab the journalist's attention and end up in the bin
- > Always provide the candidate's name, the name of the ward, and the municipality, an address, and contact details.

### Using social media

The use of social media such as Facebook, and mass communications tools such as Twitter is growing in popularity. Social media is easy to use and it's relatively low cost – all a candidate needs is access to the internet via a computer and/or a smartphone.

Social media provides a quick and easy means of connecting with voters and keeping them up to date with your electoral platform and campaign. It is also a good way to hear from voters about what is important to them.

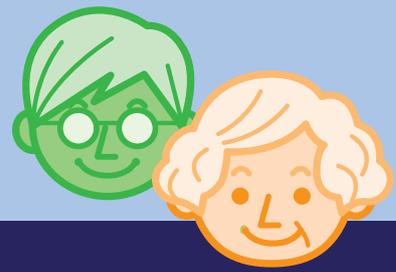
Social media is all about having conversations. It is not just about broadcasting your platform but engaging with voters, responding to their questions or concerns, sharing information and having them recommend you to their friends.

Candidates using social media such as Facebook and Twitter must be aware that any material published or broadcast during the election campaign is electoral material. Accordingly, candidates must be mindful of their obligations under the LG Act with regard to the publication and distribution of this material.

### Tips for using social media

- > Always be courteous, patient and respectful of others' opinions, including detractors
- > Respond to comments, posts and messages
- > Be accurate, constructive, helpful and informative
- > Do not commit yourself to any undertakings unless you're sure you can deliver
- > Correct any errors as soon as possible
- > Be mindful of your language and expression
- > Do not use social media when inebriated, irritated, upset or tired
- > Protect your personal privacy
- > Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials, do so as soon as practicable.
- > Be clear about your identity as a candidate in the election
- > Do not use fictitious names or identities that deliberately intend to deceive or mislead
- > Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive
- > Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory.

# SECTION 7 APPENDICES



**Appendix A:**  
Local government service delivery

**Appendix B:**  
*Local Government Act 1989* Preamble

**Appendix C:**  
Councillor remuneration categories

**Appendix D:**  
Candidate campaign offences



# APPENDIX A LOCAL GOVERNMENT SERVICE DELIVERY

Local government collects rates from residents and businesses in their municipality to help fund its community infrastructure and service obligations.

Councils in Victoria are responsible for \$79 billion of assets and infrastructure including roads, bridges, town halls, recreation and leisure facilities, drains, libraries and parks.

They also provide more than 100 services for local communities from cradle to grave. Every time a person leaves their house they are using services provided by their council.

From foot and bike paths, public street lighting, litter bins, school crossings, library books, internet services, sporting facilities, community meeting spaces and places, swimming pools, public playgrounds, bus shelters, parking spaces, community banking and public tips to dog litter disposals, removal of dumped rubbish, youth and family counselling and support, childcare programs, preschools and kindergartens, school holiday programs, head lice and immunisation programs.

Many council services are also provided to residents in their homes including in-home child care, parenting and baby health advice by maternal and child health nurses, multilingual telephone services, provision of permits for parking, demolition, building and renovations, garbage, recycling and hard waste collections, home maintenance, meals on wheels, gardening services and respite care.

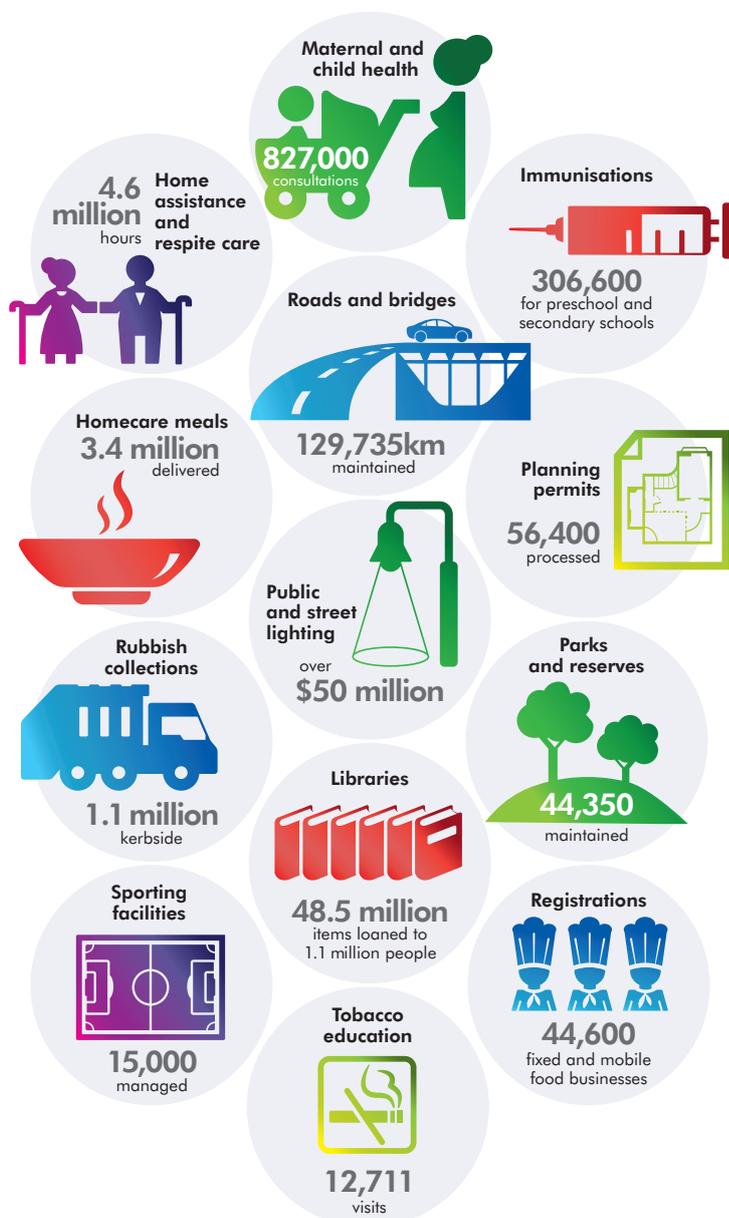
Local laws developed by councils deal with important community safety, peace and order issues such as public health, management of council property, environment and amenity. Local laws often apply to noise, fire hazards, abandoned vehicles, parking permits, street stalls, disabled parking, furniture on footpaths, graffiti, burning off, animals in public spaces, nuisance pets and busking permits.

Council services can be grouped in broad categories:

- > General public services: emergency management plan, animal shelters, and community directories
- > Health, welfare and community services: aged care programs, school holiday programs, community jobs programs and disability services
- > Planning and building services: planning application assessments, strategic planning work, building inspections, and energy efficient housing
- > Land use management services: agricultural production, forest regulation enforcement on private land, and economic development strategies

- > Environment services: landfills, protection of water catchments, flood management, native vegetation conservation and tree clearance permits
- > Infrastructure and asset management services: roads, drains, bike paths, community facilities, street cleaning and parking signs.

## Local Government Service Delivery Statistics



# APPENDIX B LOCAL GOVERNMENT ACT 1989 PREAMBLE

## Preamble

Section 74A(1) of the *Constitution Act 1975* provides that local government is a distinct and essential tier of government consisting of democratically elected councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district.

It is the role of councils in exercising those functions and powers to work in partnership with the governments of Victoria and Australia.

It is necessary to ensure that councillors who comprise each council are democratically elected by persons entitled to vote at municipal elections and that the council is responsible and accountable to the local community.

It is the role of the council to provide governance and leadership for the local community through advocacy, decision making and action.

It is essential that there is a legislative framework that provides for councils to be accountable to their local communities in the performance of functions and the exercise of powers and the use of resources.

The purpose of this Act is to establish a legislative scheme that supports the system of local government in accordance with Part IIA of the *Constitution Act 1975*.

## Section 1A - Interpretation of Act

It is the intention of the Parliament that the provisions of the LG Act be interpreted so as to give effect to the Preamble and the Local Government Charter.

The Preamble and the Local Government Charter are not to be construed as having the effect of limiting the functions and powers of councils under this Act or any other Act.

In the interpretation of the Preamble and the Local Government Charter, a construction that promotes consistency between the provisions of this Act and any other Act is to be adopted.

In this Act: 'local community' includes:

- a) people who live in the municipal district
- b) people and bodies who are ratepayers
- c) people and bodies who conduct activities in the municipal district.

'Local Government Charter' means the provisions in Part 1A;

'Preamble' means the Preamble in Section 1.



# APPENDIX C COUNCILLOR REMUNERATION

Schedule of allowance ranges effective from 1 December 2015. Allowances are adjusted by the Victorian Government annually.

## CATEGORY 1

Range:

Councillors \$8,121 - \$19,350 pa

Mayor up to \$57,812 pa

Plus the addition of the equivalent of the Superannuation Guarantee (currently 9.5%) where applicable under the new policy.

Alpine Shire Council  
Ararat Rural City Council  
Benalla Rural City Council  
Borough of Queenscliffe  
Buloke Shire Council  
Central Goldfields Shire Council  
Gannawarra Shire Council  
Golden Plains Shire Council  
Hepburn Shire Council  
Hindmarsh Shire Council  
Horsham Rural City Council  
Indigo Shire Council  
Loddon Shire Council  
Mansfield Shire Council  
Mount Alexander Shire Council  
Murrindindi Shire Council  
Northern Grampians Shire Council  
Pyrenees Shire Council  
Southern Grampians Shire Council  
Strathbogie Shire Council  
Towong Shire Council  
West Wimmera Shire Council  
Yarriambiack Shire Council

## CATEGORY 2

Range:

Councillors \$10,033 - \$24,127 pa

Mayor up to \$74,655 pa

Plus the addition of the equivalent of the Superannuation Guarantee (currently 9.5%) where applicable under the new policy.

Ballarat City Council  
Banyule City Council  
Bass Coast Shire Council  
Baw Baw Shire Council  
Bayside City Council  
Campaspe Shire Council  
Cardinia Shire Council  
Colac Otway Shire Council  
Corangamite Shire Council  
East Gippsland Shire Council  
Glenelg Shire Council  
Greater Shepparton City Council  
Hobsons Bay City Council  
Latrobe City Council  
Macedon Ranges Shire Council  
Manningham City Council  
Maribyrnong City Council  
Maroondah City Council  
Mildura Rural City Council  
Mitchell Shire Council  
Moirira Shire Council  
Moorabool Shire Council  
Moyne Shire Council  
Nillumbik Shire Council  
South Gippsland Shire Council  
Surf Coast Shire Council  
Swan Hill Rural City Council  
Wangaratta Rural City Council  
Warrnambool City Council  
Wellington Shire Council  
Wodonga City Council  
Yarra City Council

## CATEGORY 3

Range:

Councillors \$12,065 - \$28,907

Mayor up to \$92,333

Plus the addition of the equivalent of the Superannuation Guarantee (currently 9.5%) where applicable under the new policy.

Boroondara City Council  
Brimbank City Council  
Casey City Council  
Darebin City Council  
Frankston City Council  
Glen Eira City Council  
Greater Bendigo City Council  
Greater Dandenong City Council  
Hume City Council  
Kingston City Council  
Knox City Council  
Melton City Council  
Monash City Council  
Moonee Valley City Council  
Moreland City Council  
Mornington Peninsula Shire Council  
Port Phillip City Council  
Stonnington City Council  
Whitehorse City Council  
Whittlesea City Council  
Wyndham City Council  
Yarra Ranges Shire Council

For the City of Melbourne, the councillor allowances effective from 1 December 2011 are:

- > Lord Mayor \$184,667
- > Deputy Lord Mayor \$92,333
- > Councillors \$43,360.

For the City of Greater Geelong the councillor allowances are:

- > Lord Mayor \$175,434
- > Deputy Lord Mayor \$54,923
- > Councillors \$12,065 - \$28,907.

# APPENDIX D

## CANDIDATE CAMPAIGN OFFENCES

There are a number of offences under the LG Act which candidates should be aware of. They include:

- > Submitting a notice of candidature when not qualified to be a candidate (Section 52)
- > Canvassing for votes and/or attempting to induce a person not to vote for a particular candidate within six metres of a voting centre during polling hours (Section 53(1))
- > Hindering or interfering with the exercise by any other persons of a political right or duty in relation to an election (Section 54(1))
- > Making a public demonstration, broadcast or disseminating any matter intended or likely to affect the result of the election during polling (Section 54(2))
- > Interfering with or attempting to interfere with any voter marking their ballot paper (Section 54(5))
- > Printing, publishing or distributing electoral material without the name and address of the person authorising the material appearing at the end of the material (Section 55(1))
- > Providing information that is likely to mislead or deceive a voter in relation to the casting of a vote (Section 55A(1))
- > Providing electoral material which purports or contains representation of a ballot paper for use in that election to induce the voter to mark the ballot paper otherwise than in accordance with the directions on the ballot paper (Section 55A(2))
- > Printing a newspaper, circular or pamphlet containing an article, report, letter or other matter unless the author's name and address are set out at the end. (Section 55C)
- > Forging, defacing or destroying a ballot paper; unauthorised supplying of ballot papers; fraudulently putting unauthorised ballot papers into a ballot box; possessing unauthorised ballot papers; destroying, taking, opening or interfering with any ballot box or parcel of ballot papers (Section 58(2))
- > Voting or attempting to vote more than once at an election
- > Fraudulently removing a ballot paper from a ballot-box or impersonating any voter (Section 58(3))
- > Leaving a voting centre with a ballot paper (Section 58(4))
- > Failing to post a ballot paper on behalf of a voter after agreeing to do so (Section 58(5))
- > Interfering with any material to be delivered to a voter in a postal ballot (Section 58A(1))
- > Asking for or receiving any benefit on an understanding of voting for, supporting or opposing any candidate (Section 59(1))
- > Giving, promising or offering any property or benefit in order to influence or affect voting, support opposition, candidature and preferences (Section 59(2))
- > Communicating information likely to defeat the secrecy of voting by any returning officer, authorised person, interpreter, scrutineer or member of the police force (Section 60(2))
- > Attempting to obtain any information concerning the candidate for whom a voter has or is to vote (Section 60(3))
- > Communicating information obtained in a voting centre as to the candidate for whom any voter has or is to vote (Section 60(3))
- > Displaying, handing out, distributing any printed electoral material other than a registered 'how-to-vote' card within 400 metres of polling place on polling day (Sch.5/Section 56(1))
- > Printing or publishing a 'how-to-vote' card which has not been registered by the returning officer (Sch.5/Section.56(2))
- > Refusing to comply with a request by the person in charge of a polling place under Sch.5/Section 56 to produce for inspection any 'how to vote' card and to hand over all such cards (other than 'how-to-vote' cards endorsed in the prescribed manner (Sch.5/Section 56A(1)).



## **Municipal Association of Victoria**

Level 12, 60 Collins Street  
Melbourne VIC 3000  
GPO Box 4326  
Melbourne 3001  
Telephone: 03 9667 5555  
Facsimile: 03 9667 5550  
Email: [inquiries@mav.asn.au](mailto:inquiries@mav.asn.au)  
Website: [www.mav.asn.au](http://www.mav.asn.au)

## ADDENDUM TO THE CITIZEN TO COUNCILLOR GUIDE

This addendum was prepared by the Municipal Association of Victoria on 27 July 2016.

*Note 1:*

*The Citizen to Councillor Guide included cautionary notations on pages 20 and 25 indicating that the State Government was reviewing the Electoral Regulations and that the Local Government (Electoral) Regulations 2016 would not be made until after the publication of the Citizen to Councillor Booklet.*

*The Regulations were made on 26 July 2016. This addendum identifies the changes implemented by the new Regulations.*

### **Page 20: Postal voting**

The postal ballot packs will continue to contain candidates' statements and indication of preferences where these are provided by the candidate. The candidate statement has been increased from 150 words to 200 words.

Candidates have the option of completing a candidate questionnaire form and lodging this with the Returning Officer. The completed form is published on the VEC website and is also made available by the Returning Officer in hard copy or electronic form on request.

Postal ballot papers cast before the voting deadline but received by 12 noon on the fifth working day after Election Day, will be accepted into the count.

### **Page 23: Candidate Statements**

The length of the candidate statement has been increased from 150 to 200 words. The time and date by which a candidate must lodge an indication of preferences remains the same. It is 12 noon on the third day after the close of nominations (23 September).

### **Page 29: Declaration of election results**

Votes will be able to be admitted to the count up until 12 noon on the fifth working day after the election date (28 October). This will impact the previous timetable for declaring the election results. The VEC will need to review its timetable.

*Note 2: More detail on these matters can be obtained from the [Victorian Electoral Commission's Candidate Handbook](#) or from the VEC.*