



Councillor Candidature Policy

(A5373036)

1. Purpose

This Policy is intended to clarify the expectations of Council, and the legal requirements that apply, when a Councillor stands as a candidate in a State or Federal election or by-election. The Policy provides guidance to assist Councillors to maintain an appropriate separation between the roles of Councillor and candidate, and to avoid any actual or perceived improper use of their position as a Councillor or of Council resources or any perception of impropriety.

2. Scope

This Policy applies when a Councillor becomes a prospective candidate or a nominated candidate in a State or Federal election or by-election. This Policy operates in conjunction with the Model Councillor Code of Conduct.

This Policy does not apply when a Councillor is seeking re-election as a Councillor of Frankston City Council. In those circumstances, Council's Election Period Policy will apply.

3. Authorisation

This Policy is managed by Council's Governance Department, and is approved by the Mayor and Chief Executive Officer (CEO):

A blue ink signature of the Mayor of Frankston City.

A blue ink signature of the CEO of Frankston City Council.

Mayor, Frankston City

CEO, Frankston City Council

in accordance with a resolution made at a Council Meeting on 29 January 2025.

4. Definitions

In this Policy:

prospective candidate means a person who becomes an endorsed candidate of a registered political party, or publicly expresses an intention to run as an independent candidate for a State or Federal Election.

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

State or Federal Election includes a by-election.

5. Policy

- 5.1. A Councillor who is a prospective candidate or a nominated candidate for a State or Federal Election must:
- (a) maintain an appropriate separation between their dual roles;
 - (b) avoid potential and actual conflicts of interest;
 - (c) not misuse their position as a Councillor;
 - (d) not use Council resources to support their candidacy; and
 - (e) continue to observe the standards of conduct in the Model Councillor Code of Conduct.
- 5.2. If a Councillor considers becoming a prospective or nominated candidate, it is recommended that they seek independent legal advice regarding any issues which may arise in association with being a candidate while still a Councillor.

Notification of candidacy

- 5.3. As soon as practicable after a Councillor becomes a prospective candidate or a nominated candidate for a State or Federal Election, the Councillor will notify Council's Chief Executive Officer (CEO) in writing.
- 5.4. After receiving a written notice given by a Councillor under clause 5.3, the CEO will advise the other Councillors.
- 5.5. A Councillor will declare their intended or actual candidacy at the next Council Meeting after notifying the CEO in accordance with clause 5.3 of this Policy.

Leave of absence

- 5.6. A Councillor must apply to Council for a leave of absence for a period commencing no later than the date of their nomination as a candidate with the relevant Electoral Commission and concluding no earlier than the close of voting for the relevant election.
- 5.7. The application for a leave of absence must be made:
- (a) immediately upon the date for the close of nominations being published by the relevant Electoral Commission, if at that date the Councillor has decided to nominate as a candidate; or
 - (b) once the Councillor nominates,
- whichever is the sooner.

- 5.8. An application for leave of absence will be sought by moving a notice of motion or urgent business item at a Council Meeting.
- 5.9. An application for leave of absence will not be unreasonably refused.
- 5.10. During an approved leave of absence, a nominated candidate must not attend Council Meetings, Delegated Committee Meetings or Councillor Briefings in their capacity as a Councillor or otherwise act as a Councillor.
- 5.11. All Council equipment and materials must be returned to Council for the approved period of leave.

Use of Council resources

- 5.12. Council resources, including officers and support staff, hospitality services, equipment (eg mobile phones and computers), stationery, and Council-owned photographs, may only be used for Council business and must not be used in connection with a Councillor's candidacy for a State or Federal Election any election campaign. A prospective or nominated candidate must not use Council resources in connection with their candidacy or in any manner connected with the relevant election.

Comments on Council Issues

- 5.13. A Councillor who is a prospective or nominated candidate should be clear as to whether any comments they make on a Council issue are being made as a Councillor or as a candidate. This clarity may be easier to achieve if separate social media accounts are maintained as a Councillor and as a candidate.

Media Advice and Releases

- 5.14. Council will not provide media advice or assistance in relation to election issues or publicity relating to a Councillor who is a prospective or nominated candidate.
- 5.15. Council media releases will not refer to specific Councillors in their capacity as prospective candidates or nominated candidates.
- 5.16. A Councillor must not use their position as a Councillor or their access to Council staff and other Council resources to support an election campaign of another Councillor.

Successful election

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

6. Roles and Responsibilities

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

7. Policy non-compliance

Non-compliance with this Policy may breach the *Local Government Act 2020* and/or the Model Councillor Code of Conduct.

8. Related documents

- *Local Government Act 2020*
- Election Period Policy of Frankston City Council
- Model Councillor Code of Conduct
- Municipal Association of Victoria Policy Position – Candidature of Councillors

9. Implementation of the Policy

This Policy will be published on Council's website and made available to Councillors.

10. Document History

Date approved	Change type	Version	Next review date
29 January 2025	Adopted by Council	1	30 June 2029