

<b>Circular Details</b>	17-12 / 14 June 2017 / A547255
<b>Previous Circular</b>	16-20
<b>Who should read this</b>	Councillors / Administrators / General Managers / All council staff for the 46 councils with elections on 9 September 2017
<b>Contact</b>	Council Governance Team - 4428 4100 – <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

## “Electoral matter” and use of council resources prior to local government elections

### What’s new or changing

- Council officials (including Administrators) must not use council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.
- In the 40 days preceding the election, councils (including councils currently under Administration) need to consider whether their publications could amount to an “electoral matter”.

### What this will mean for your council

- Council officials (including Administrators) must use council resources lawfully, ethically, effectively and carefully keeping in mind the council’s code of conduct and other policies such as the policy on the payment of expenses and the provision of facilities to mayors and councillors.
- “Electoral matter” for the purposes of the *Local Government (General) Regulation 2005* broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate fall within the definition of “electoral matter”.
- Council publications that promote the achievements of the council may also potentially fall within the definition of “electoral matter”.

### Key points

- Under the Model Code of Conduct, the following **must not** be used for the purpose of assisting anyone’s election campaign:
  - council resources, property or facilities (unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility); and
  - council letterhead, council crests and other information that could give the appearance it is official council material.
- Breaches of a council’s code of conduct may result in disciplinary action.
- Councils and council officials (including Administrators) should be mindful of the need to maintain community confidence in the integrity of the performance of the council's functions and activities in the lead-up to

elections. Councils (including those currently under administration) should be mindful of how the community may perceive any of their activities or actions during this time.

**Where to go for further information**

- For further clarification on “electoral matter”, refer to “Frequently Asked Questions” attached to the Circular.
- For further information, contact the Office’s Council Governance Team on 4428 4100.



**Tim Hurst**  
**Acting Chief Executive**

