

THE CITY OF
GREATER GEELONG

ELECTION PERIOD POLICY

VERSION: 5

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& Performance**

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Introduction

PURPOSE

The purpose of the policy is to provide the community with an understanding of the procedures that will apply during the election period to ensure the fairness of the election, appropriate use of City resources and to prevent inappropriate decision-making. It includes:

- Procedures intended to ensure that Council, a special Committee or a person acting under a delegation given by the Council from making Major Policy Decisions during the election period for a general election
- Procedures intended to prevent the Council and the City from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- Limits on public consultation and the scheduling of Council events;
- Procedures to ensure that City documents published during the Election period do not contain electoral matter;
- Procedures to ensure that access to information held by the City is made equally available and accessible to candidates during the election.

SCOPE

This policy applies to Councillors, candidates, Special Committee members and City staff.

The provisions in this policy apply throughout the Election Period unless otherwise stated.

Definitions

This section defines the key terms used in this policy.

ACT

The *Local Government Act 1989*.

CEO

The Chief Executive Officer of the City.

CERTIFY

Certify means the CEO attesting in writing, during the Election Period, that no electoral matter is contained in City material for publication and thereby signifying approval of that material for publication.

CITY

The City of Greater Geelong organisation, led by the CEO.

COUNCIL

The City of Greater Geelong Council comprised of elected councillors and led by the Mayor.

COUNCIL EVENTS

Gatherings of internal and external stakeholders organised and run by the City to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue, which is of relevance to the Council and its community including those which may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

COUNCIL LAND

Council Land means any land vested in, or under the control or management of the Council excluding a Road, but including a Municipal Reserve or other reservation, watercourse, foreshore reserve, jetty, pontoon or boat ramp, and includes any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.

COUNCILLOR DUTIES

Councillor Duties are defined by section 75(2) of the Act which provides that duties as a councillor means duties performed by a councillor that are necessary or appropriate for the purpose of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Councillor Duties include Official Council Duties as set out in Council's Councillors' Expenses and Facilities Policy including a councillor attending:

- a. Ordinary and Special Council Meetings or Committees of Council;
- b. Formal briefing sessions and planning forums;
- c. Civic or ceremonial functions convened by the Council or presided over by the Mayor;
- d. Meetings scheduled by the Council or Mayor;
- e. A meeting, function or other official role as a representative of the Council or Mayor;

- f. Attendance at site inspections in relation to a Council approval process or Council project;
- g. Meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate / representative; and
- h. Conferences, study tours, official visits (domestic and overseas), seminars and training sessions as a councillor where attendance has been approved by Council or in accordance with the Councillors' Expenses and Facilities Policy.

DOCUMENT

As defined in section 38 of the *Interpretation of Legislation Act 1984*, document includes, in addition to a document in writing:

- a. any book, map, plan, graph or drawing;
- b. any photograph;
- c. any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;
- d. any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- e. any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.

ELECTIONEERING

Any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.

ELECTION DAY

Sections 3(1) and 31 of the Act define the election day for a general council election as the fourth Saturday in October in the fourth year after the last general election of Councillors for all Councils.

ELECTION PERIOD

Section 3(1) of the Act defines the election period for a general election. It is the period that:

- a. starts on the last day on which nominations for that election can be received; and
- b. ends at 6 p.m. on election day.

Clause 3(2) of Schedule 2 of the Act defines the last day on which nominations for a general election can be received. Nominations cannot be received after 12 noon on the 32nd day before the Election Day.

ELECTORAL SIGN

A device advertising a political candidate or candidates, or a purported political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State or Local Government election.

EXTRAORDINARY CIRCUMSTANCES

Where a decision:

- a. is urgent;
- b. cannot reasonably be deferred without major consequence to the City of Greater Geelong; and/or

- c. relates to the completion of projects or initiatives that have already been endorsed by the Council, including but not limited to projects or initiatives made pursuant to the Budget, City Plan or Business Plan.

INAPPROPRIATE DECISION

Section 93B(5) of the Act defines inappropriate decisions as decisions made by a Council during an election period that are:

- a. decisions that would affect voting in an election; or
- b. decisions that could reasonably be made after the election.

Decisions that would affect voting in an election are those that could potentially influence voters' intentions.

MAJOR POLICY DECISION

Any decision:

- a. relating to the employment or remuneration of a Chief Executive Officer (CEO) under section 94 of the Act, other than a decision to appoint an acting CEO;
- b. to terminate the appointment of a CEO under section 94 of the Act;
- c. to enter into a contract the total value of which exceeds whichever is the greater of:
 - i. \$150,000 if it is a goods and services contract (or \$200,000 if it is a works contract); or
 - ii. 1% of the council's revenue from rates and charges levied under section 158 of the Act in the preceding financial year;
- d. to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) of the Act in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the City's revenue from rates and charges levied under section 158 of the Act in the preceding financial year, as defined in section 93A(6) of the Act.

MUNICIPAL BUILDING

Municipal Building means any building and its grounds that is owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access, including a recreation centre.

MUNICIPAL RESERVE

Municipal Reserve means any land, water, waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places including any waterway, but excludes a Road.

PUBLIC CONSULTATION

Means any process conducted by Council or by the City seeking submissions on matters, including issues, proposed actions or proposed policies, from the public, including from individuals, groups, organisations or the community in general.

PUBLIC QUESTION AND SUBMISSION TIME

Has the same meaning as Council's Public Question and Submission Time Policy which defines Public Question and Submission Time as a section of the agenda of a Council meeting that is open to the public during which Council takes questions and information submitted by the public relevant to Council actions and decisions.

PUBLISH

Publish means publishing by any means, whether in hard copy or electronically, including publication on the internet.

ROAD

Road has the meaning ascribed to it by section 3 of the Act, as amended from time to time and includes a public highway. Road includes:

- a. a street; and
- b. a right of way; and
- c. any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*; and
- d. a public road under the *Road Management Act 2004*; and
- e. a passage; and
- f. a cul de sac; and
- g. a by-pass; and
- h. a bridge or ford; and
- i. a footpath, bicycle path or nature strip; and
- j. any culvert or kerbing or other land; and
- k. works forming part of the Road.

SPECIAL COMMITTEE

A Special Committee is a committee of Council established under section 86 of the Act.

VEC

VEC means the Victorian Electoral Commission.

Policy

ELECTION PERIOD

The Election Period commences on Tuesday 22 September 2020 and concludes at 6pm on Saturday 24 October 2020.

COUNCILLOR TO FULFIL DUTIES DURING ELECTION PERIOD

Councillors:

- a. will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
- b. will continue to engage, and communicate with, the community in their Councillor role;
- c. must comply with the Act and the Councillor Code of Conduct; and
- d. must not use their position to influence City officers, or access City resources or information, in support of any election campaign or candidacy.

COUNCIL DECISIONS AND MEETINGS

Council will not consider or make any decisions that could, or could be perceived to:

- a. Affect voting in the election; or
- b. Unfairly commit the incoming council to a major course of action; or
- c. Have reasonably been made after the election.

Major policy decisions

Council, a special committee or a person acting under a delegation given by Council must not make a Major Policy Decision unless:

- a. Council considers that there are Extraordinary Circumstances which require the Major Policy Decision; and
- b. Council has applied in writing to the Minister for an exemption from the application of section 93A of the Act to the Major Policy Decision; and
- c. The Minister has granted an exemption from the application of section 93A of the Act to the Major Policy Decision subject to any conditions or limitations that the Minister considers appropriate.

The CEO will endeavour to ensure that Major Policy Decisions are:

- a. Scheduled for consideration before the Election Period; or
- b. Scheduled for consideration after the Election Period; or
- c. Scheduled for consideration during the Election Period if required by Extraordinary Circumstances and subject to Council approval and approval by the Minister of an exemption application made under section 93A of the Act.

Inappropriate decisions

Council will take all reasonable steps to prevent Inappropriate Decisions being made.

Business at Council and Special Committee meetings

Council and special committee meeting papers will be reviewed by the City to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the item as part of their Electioneering.

Matters which may be considered at Council or Special Committee meetings include:

- a. Annual Report; and
- b. Procedural items to complete the Council's term of office, such as assemblies of Council.

Councillors will refrain from moving motions or raising matters at a council or special committee meeting that could affect voting in the election, or could unfairly commit the incoming council to a major course of action or could have reasonably been made after the election, including notices of motion, urgent items, petitions, rescission motions, reports by councillor delegates and advisory committee reports.

The types of decisions that will not be considered include, but not limited to:

- a. allocating community grants;
- b. allocating direct funding to community organisations;
- c. major planning scheme amendments; and
- d. changes to strategic objectives and strategies in the council plan.

Public question time

There will be no Public Question and Submission Time.

Election period statement in council reports

Reports submitted to Council or to a Special Committee will contain an "Election Period Statement" at the start of the report in the form of one of the following statements (as applicable):

- "The recommended decision is not a major policy decision or inappropriate decision, as defined in section 93A and 93B of the *Local Government Act, 1989*."

or

- "The recommended decision is to seek an exemption from the Minister because the matter requires a major policy decision as defined in section 93A of the *Local Government Act, 1989*."

or

- "The recommended decision is a major policy decision, as defined in section 93A of the *Local Government Act, 1989* and an Extraordinary Circumstances exemption was granted by the Minister for Local Government on (insert date)."

Implementing decisions

Decisions made prior to the election period by Council or by a committee or an officer under delegation can be implemented during the election period provided that those decisions do not involve Public Consultation or a Council Event that is likely to run into, or occur during, the Election Period.

Special committees

Council has the following five Special Committees that operate with delegated powers:

- Central Geelong Marketing Committee
- Geelong Major Events Committee

- Planning Committee
- Bellarine Multi Arts Facility (Potato Shed) Committee of Management
- CEO Employment Matters Committee

The following provisions relate to whether these Special Committees can operate and if so, what matters they cannot deal with.

a. Central Geelong Marketing Committee

The role of the Central Geelong Marketing Committee is to market and promote Central Geelong in a coordinated and integrated manner to enhance its economic and social viability and its general amenity. This includes the key function of administering Council's Central Geelong special rate scheme under delegation. As decisions about the scheme may affect voting at the election, this committee will not meet during the election period.

b. Geelong Major Events Committee

The Geelong Major Events Committee aims to support the development of a broad range of major events in the Greater Geelong region. In doing so, it has been delegated decision making authority in relation to events strategy, events submissions evaluation and events funding allocations. As these decisions may affect voting at the election, this committee will not meet during the election period.

c. Planning Committee

The Planning Committee is authorised to consider planning matters in accordance with the relevant delegation instrument, terms of reference and policies adopted by Council. Consequently, the committee can continue to meet and make decisions during the election period.

d. Bellarine Multi Arts Facility (Potato Shed) Committee of Management

The Bellarine Multi Arts Facility (Potato Shed) Committee of Management implements the strategic plan and capital works approved by Council that are necessary for the Committee to perform its duties under the Bellarine Multi Arts Facility Development and Joint Use Agreement. This committee can continue to meet and make decisions during the election period, if required.

e. CEO Employment Matters Committee

The CEO Employment Matters Committee has Council delegation to deal with all matters related to the employment of the CEO. The prohibition on making major council decisions extends to those relating to the employment or remuneration or termination of a CEO under section 94 of the Act, other than a decision to appoint an acting CEO. Consequently, the committee is only permitted to meet to deal with the appointment of an acting CEO.

USE OF CITY RESOURCES

City resources must not be used for Electioneering, other than City facilities that are normally available for hire by the public.

Using City facilities

City facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is able to be displayed in the common public areas of a City facility being hired.

Electoral signs on Council land and property

The following provisions that govern the placement of Electoral Signs apply equally to all candidates and their associated election campaigns at all times, including during the Election Period. They are consistent with Council's Neighbourhood Amenity Local Law 2014 (clauses 46, 70 and 92), the *Environment Protection Act 1970* (Litter Section), the Greater Geelong Planning Scheme and the General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy.

Electoral Signs are not permitted on Roads, Municipal Buildings, Municipal Reserves or Council Land, including any structures such as bus shelters or light poles within road reserves. In general terms, this means that no Electoral Signs are permitted on roads, parkland or Council property.

The following conditions apply to the placing of Electoral Signs.

- a. No Electoral Signs can be placed or erected on any council Road or Municipal Reserve (including parks) this also includes any VicRoads, roads or reserves;
- b. Mobile billboards, (trailer types and signs that are placed in or on a vehicle) are not to be left standing or stationary as in paragraph (a) above. This type of signage has to be mobile at all times;
- c. Vehicles, other than trailers, that are permanently sign-written may display an Electoral Sign, provided that they meet parking legislation requirements including time limits etc.;
- d. The *Environment Protection Act 1970* (Litter section) prohibits the placing of any form of advertising on the windscreens of vehicles anywhere (public or private land); and
- e. Banners and flags are also prohibited as in paragraph (a) above and are not to be attached to any fixtures located on any of the roads or reserves as in paragraph (a).

Councillor resources & expenses

Councillors will continue to have access to the resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

Reimbursement claims for expenses that support or that could be perceived as supporting, or being connected with, a Councillor's election campaign will not be processed by the City.

Councillors may continue to use their councillor title.

City resources

City resources, including offices, administrative staff, meeting facilities not normally available for public hire, hospitality, electronic equipment, vehicles, email addresses and social media handles, databases, mailing lists, photocopying and stationery will be used exclusively for normal City operational business during the Election Period and are not to be utilised for or connected to any election activities.

City logos, letterheads, photographs and images or associated City insignias and designs are not to be used, or linked in any way to a candidate's election campaign.

City staff

It is critical that the City maintains the confidence of the Council, councillors and the wider community at all times. This requirement is even more important in the period leading up to an election.

For the vast majority of City employees, work will continue as normal during the Election Period. However, some may find themselves in situations where the Election Period could have a bearing on their actions.

It is important for City employees who are engaged in political activities related to the election, to avoid any actual, potential or perceived conflict of interest with their City employment. How they do this will depend on the nature of their employment and the nature of their political activities or associations.

City staff must:

- a. Not use their City role and position to influence the outcome of the election;
- b. Not engage in Electioneering during work time;
- c. Not use City resources for Electioneering;
- d. Not use any official information obtained through their City employment for Electioneering;
- e. Not make any public statement on Council or City activity that they are involved in or connected with as a City employee;
- f. Make it clear when making comments related to the election that they are expressing their own views and not making an official comment;

- g. Take leave from their City employment if nominating as a candidate for the election in order to be able to qualify as a candidate for that election; and
- h. If they are a candidate in the general Council election, resign from City employment immediately upon being declared elected in the general Council election in order to become or continue to be a Councillor of the Council.

PUBLIC CONSULTATION

Conducting public consultation

The City will not commence or continue Public Consultation except where there is a legal obligation to do so or the CEO determines that Extraordinary Circumstances exist which warrant the Public Consultation continuing. If this is the case, the Council must, by resolution, justify to the community the Extraordinary Circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

Public Consultation will not be commissioned or approved if such consultation is likely to run into the Election Period.

Consultative mechanisms

Advisory committee meetings, information sharing forums, other community reference group meetings or similar consultative processes are not permitted.

EVENTS

Conducting or promoting events

The City will not conduct or promote Council Events except where there is a legal obligation to do so or the CEO determines that Extraordinary Circumstances exist which warrant a Council Event occurring. If this is the case, the Council must, by resolution, justify to the community the Extraordinary Circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

Ordinary Council meetings and Council Events may be held if they are part of delivering normal services or operational activities of Council and the City e.g. scheduled ordinary council meetings and citizenship ceremonies.

Community Focus Council meetings are suspended. These meetings occur at venues throughout the municipality, in each ward in turn. At these meetings, Council is required to allow and encourage the community to attend, submit information and ask questions on issues that arise at those meetings or raise general issues or questions.

Consequently, there is a significant risk that matters could be raised at the meetings that could influence the election or amount to Electioneering.

Councillor attendance

Councillors may attend events as required by their Councillor Duties, but are not permitted to use these appearances for Electioneering.

Councillors must not speak as an official Council spokesperson at events they attend in relation to their Councillor Duties unless authorised to do so by the CEO.

Speeches prepared for councillors attending events related to their Councillor Duties must be written by City staff and approved by the CEO.

City resources will not be used to prepare speeches, or provide support, for councillors in respect of their attendance at an event that is not required by their Councillor Duties.

PUBLISHED INFORMATION

Publications

The City must not print, Publish or distribute or cause, permit or authorise to be printed, Published or distributed, any advertisement, handbill, pamphlet or notice unless the advertisement, handbill, pamphlet or notice has been Certified in writing on or affixed to the copy of the publication and retained in a register maintained by the CEO.

The CEO must not intentionally or recklessly Certify an electoral advertisement, handbill, pamphlet or notice unless it only contains information about the election process.

Media releases, statements & publicity

The CEO will be the primary spokesperson for the Council.

City media releases and statements will be Certified and issued in the name of the CEO.

No City-issued media releases will quote or feature councillors.

Councillors in respect of their Councillor Duties must not make or Publish any public statement that could be interpreted as influencing the election.

City staff must not make or Publish any public statement that could be interpreted as influencing the election.

City communication and marketing activities, other than for the sole purpose of conducting the election process, will be prevented wherever possible.

Delivery of existing City services will continue on a business-as-usual basis, however, there is a prohibition on implementing and promoting new City services.

Where a City communications and marketing activity is considered essential for a City service or function, it must be Certified before publication.

Where a City communications or marketing activity is Certified, that activity must be limited to promoting existing City services.

No communications or media advice or assistance will be provided by the City in relation to Electioneering or election campaign matters.

Publishing councillor information

Councillor information published in documents and on websites will be restricted to:

- a. Names;
- b. Photographs;
- c. contact details;
- d. titles; and
- e. membership of special committees and other bodies to which they have been appointed by the Council.

Councillor correspondence

Councillor correspondence regarding election matters will not receive responses until after the end of the election period.

Councillor correspondence relating to significant, sensitive or controversial matters will be referred to the CEO for action.

City Website and Social Media

At the start of the Election Period a message will be posted on the City's social media channels and website stating that these channels will have no new content added until after the Election Period unless it relates to existing City services.

No electoral material may be placed on the City's website or social media during the Election Period.

Council meeting agendas and minutes will continue to be published on Council's website.

INFORMATION ACCESS

Information access

Councillors will continue to have access to the information resources necessary to fulfil their Councillor Duties, in accordance with existing Council policy and the Councillor Code of Conduct.

The City will aim to ensure that all candidates have equal access to council information.

Candidate information requests

Candidates must provide requests for council information to the CEO in writing.

Responses to candidate information requests must be authorised by a director or the CEO.

Council information supplied in response to candidate requests will only consist of publically available and factual information about current City services.

Council information supplied in response to candidate requests will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected to a candidate's election campaign.

Candidate requests for council information that require significant City resources to be devoted to a response may be refused at the sole discretion of the CEO.

The CEO will maintain an Information Request Register, which will:

- List all candidate requests for information received by the City;
- Summarise the information provided by the City to the candidates in response to requests, including links to requested public documents;
- Record reasons for refusal of candidate council information requests; and
- Be published on the City's website

All enquiries from candidates about the election process are to be made directly to the VEC Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO.

Implementation of this Policy

MONITORING AND REPORTING

The City must have adequate processes in place to monitor this policy and associated procedures to ensure they are accurate, consistent and operating as intended.

ADVICE AND ASSISTANCE

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

A person who is uncertain how to comply with this policy should seek advice from this person or delegate.

The City will ensure that all councillors, candidates and staff involved in applying this policy receive training and support in the operation of this policy. This will include:

- publishing the policy on the Geelong Australia website
- distributing the policy to councillors
- including the policy in candidate information packs
- information about the purpose and requirements of this policy;
- practical guidance on how to comply with this policy, such as procedures that set out the process to be followed;
- provision of tools and templates to be used.

RECORDS

The City must retain records associated with this policy and its implementation for at least the period shown below.

Record	Retention / Disposal Authority	Retention Period	Location
Certified copies of records	Retention and Disposal Authority for Records of Local Government Functions PROS 09/05 VAR 1	Various. Retention period varies according to the type of public record.	Document Management System
Information request responses	Retention and Disposal Authority for Records of Common Administrative Functions PROS 07/01 VAR 4	Temporary Destroy 2 years after action completed.	Document Management System

REVIEW

Section 93B(2)(b) of the Act requires Council to review and, if required, amend the policy not later than 12 months before the commencement of the next general election period. The next general election will be held on 26 October 2024 and the election period for the next general election commences on 24 September 2024. Consequently, this policy must be reviewed and, if required, amended not later than 24 September 2023.

References

Environment Protection Act 1970

Interpretation of Legislation Act 1984

Local Government Act 1989

Greater Geelong City Council 2014 Neighbourhood Amenity Local Law 2014

Greater Geelong City Council 2016 General Signage (including Electoral Advertising) On Council Road Reserves and Land Policy

Greater Geelong City Council 2017 Councillors' Expenses and Facilities Policy

Greater Geelong City Council 2019 Policies and Procedures Management Policy

Greater Geelong Planning Scheme

Local Government Inspectorate 2016 Election Period Policy Review

Local Government Victoria 2015 Reforms arising from the *Local Government Amendment (Improved Governance) Act 2015* - A guide for councils

Public Records Office Victoria 2015 Retention and Disposal Authority for Records of Local Government Functions

Public Records Office Victoria 2017 Retention and Disposal Authority for Records of Common Administrative Functions