

7.4.5 REVIEW OF ELECTION PERIOD POLICY AND ENDORSEMENT FOR PUBLIC CONSULTATION

Responsible Manager:	Amanda Sapolu, Manager Corporate Governance & Legal
Responsible Director:	Jarrod Doake, Director City Services

RECOMMENDATION

That Council

1. Endorses the amended Election Period Policy in attachment 2, for public consultation from 25 June 2024 to 9 July 2024.
2. Reschedules the Ordinary Council Meeting of 29 October 2024 to 22 October 2024.

INTRODUCTION

Council's Election Period Policy requires review before Council enters the election period in September 2024.

COUNCIL PLAN STRATEGIC OBJECTIVES

Good Governance

Maintain the highest standards of good governance.

BACKGROUND

Section 60 of the *Local Government Act 2020* (the Act) states that a Council must adopt and keep in force Governance Rules, which includes an Election Period Policy (Policy) in accordance with section 69.

Section 69 of the Act provides that:

- Council's Governance Rules must include an Election Period Policy
- That it must prohibit certain decisions

Council's Policy requires a review before we enter into the 2024 General Elections. As the Policy forms part of the Governance Rules, there is a requirement to take the amendments to public consultation pursuant to section 60(4) of the Act.

DISCUSSION

The Policy has been reviewed to ensure compliance with the Act, the Regulation and with commentary provided by the Independent Broad-based Anti-corruption Commission (IBAC) and Local Government Inspectorate (Inspectorate), particularly following the 2020 General Election. It has also been reviewed having regard to the Inspectorate's examples of best practice policies, and other local government policies.

The draft Policy has been considered by Council at Strategy and Briefing Meetings in May and June 2024.

Attached to this report is a track changes version of the draft Policy showing amendments to the current policy and a clean version which is proposed to be endorsed for public consultation.

Further officers note that an Ordinary Council Meeting was scheduled for 29 October 2024 when no council was invested. It is proposed to move this meeting forward to 22 October 2024.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

Section 69 of the Act states that a Council's Governance Rules must include an Election Period Policy. Section 60(4) of the Act states that before a Council amends its Governance Rules, it must undertake community consultation.

The process of community consultation is informed by Council's Community Engagement Policy. Pursuant to the Community Engagement Policy, it is appropriate for the Council to exhibit this policy and to consider any feedback from the community before adopting its amended Election Period Policy.

CONSULTATION

It is proposed that the amended Policy be placed on exhibition on Shape Monash for a period of two weeks. The feedback will be collated and presented to Council with any further proposed amendments.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this policy/program/service does not have a 'direct' and 'significant' impact on the community.

CONCLUSION

Council is required to review its Election Period Policy. The Policy has been reviewed and amended and must go through a process of community consultation before it can be adopted.



ATTACHMENT LIST

1. Election Period Policy Proposed Amendments Council Report June Tracked [7.4.5.1 - 10 pages]
2. Election Period Policy Proposed Amendments Council Report June Clean [7.4.5.2 - 6 pages]

CHAPTER 7 – ELECTION PERIOD POLICY

DEFINITIONS

Act means the *Local Government Act 2020*.

Advisory Committee means a committee under the control of Council that includes Councillors and members of the public. This excludes the Audit and Risk Committee.

by-election means a by-election held under section 260 of the Act.

Candidate means a person who has nominated as a candidate for an election under section 256 of the Act.

Delegated Committee has the same meaning as under section 3(1) of the Act.

Community Asset Committee means a committee established under section 65 of the Act.

eElection in this Policy means an election held under Part 8 of the Act.

Election day means the day of an election determined under section 257 or section 260 of the Act. has the same meaning as under section 3(1) of the Act.

Election manager has the same meaning as under section 3(1) of the Act.

Election period has the same meaning as under section 3(1) of the Act., in relation to an election, means the period that—

(a) — starts at the time that nominations close on nomination day; and

(b) — ends at 6 p.m. on election day.

election manager means—

(a) the VEC; or

(b) — a person appointed by the VEC.

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting. has the same meaning as under section 3(1) of the Act.

Electoral matter has the same meaning as under section 3(4) of the Act. means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Without limiting the generality of the definition of **electoral matter**, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—

(a) — the election; or

(b) — a candidate in the election; or

~~(e) an issue submitted to, or otherwise before, the voters in connection with the election.~~

~~G~~eneral election means a general election held under section 257 of the Act.

~~N~~omination day has the same meaning as under section 3(1) of the Act.

~~means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and any regulations made under the Act.~~

this Policy means this Election Period Policy.

~~P~~rohibited decision means a decision described in section 69(2) and (3) of the Act.

~~P~~ublish has the same meaning as under section 3(1) of the Act ~~means publish by any means including by publication on the Internet.~~

1. INTRODUCTION

The Act provides that, during the election period, certain prohibitions apply to the functions and powers of Council as it enters into a 'caretaker' period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

2. POLICY OBJECTIVE AND BACKGROUND

This Policy addresses the requirements of the Act regarding the responsibilities, actions and behaviours of Councillors, Candidates and Council in the period leading up to a general election and during the election period.

3. APPLICATION OF THE POLICY

This Policy applies to Councillors and Council staff. This Policy applies ~~only to the actual making of decisions by Council during the election period.~~

~~This Policy does not apply to announcements of decisions by Council prior to the commencement of the election period.~~

~~However, as far as practicable, such announcement will be made prior to the commencement of the election period.~~during the election period.

4. ROLE OF THE CHIEF EXECUTIVE OFFICER

In addition to any statutory duties, the Chief Executive Officer will ensure that:

- a) All Councillors and Officers are provided with access to this Policy.
- b) Care is given to the scheduling of matters to be decided to ensure that they are taken prior to the election period, or where appropriate, after the election period.
- c) Appropriate mechanisms are in place to ensure that Council processes and Council officers comply with the Policy and the Act. Without limiting the generality of the statement above, a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during the election period on behalf of, or purporting to be on behalf of, Council, unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.
- d) Councillors are supported to undertake their duties in their role as Councillor.

5. ROLE OF COUNCILLORS

In addition to any statutory duties, Councillors will ensure that:

- a) They are aware of their obligations under the Act and this Policy.
- b) No Councillors must not unreasonably use any Council resources or facilities are to be improperly used for electioneering.

~~c) No campaign purposes during the election period or seek reimbursements will be sought from Council for costs incurred in electioneering. for a campaign-related purpose.~~

~~Council recognises that some incidental use of Council resources, particularly Council-issued equipment (such as a vehicle in the case of the Mayor, or a mobile phone or tablet), for purposes connected with a Councillor's campaign for re-election may occur. Council does not consider that such incidental use, where it occurs in the ordinary course of a Councillor's daily and typical use of such a resource, breaches this Policy or any applicable electoral laws. Council considers that the provision of such resources and their continued use during the election period, including their incidental use in respect of any campaign purpose, does not confer any particular, unreasonable or otherwise unfair electoral advantage on a Councillor candidate compared to other candidates.~~

~~In reaching this position, Council notes the position expressed in its Policy for the Provision of Equipment to Councillors and Reimbursement of Expenses, that it is reasonable for Councillors to use these resources for both Council and incidental non-Council purposes and for any out of pocket costs arising from such use for non-Council purposes should not be claimed as reimbursement from Council.~~

~~Council has also considered that the use of mobile phones, computers and cars is almost universal in the wider community today and that there is no unique or special advantage conferred on a Councillor candidate by merely continuing to have access to one or more of these resources during the election period.~~

~~Council considers that it would be impractical for a Councillor to have to operate two mobile phones or two of any other resources merely to avoid use of any one of those Council provided resources in connection with a campaign purpose.~~

~~Council further notes that there is no cost of other impact for Council if a Councillors uses one of these resources for non-Council purposes. Moreover, Council's Policy for Provision of Equipment to Councillors and Reimbursement of Expenses expressly contemplates this sort of arrangement in relation to mobile phone use and deals with the process for attributing the out-of-pocket costs of the phone calls between Council-related calls and non-Council related calls. However, during the election period, Councillors should be especially mindful not to seek reimbursement for any out-of-pocket costs which arise from a campaign-related purpose.~~

~~Accordingly, Council has formed the view, and this is the position adopted in this Policy that it is impractical and unnecessary for current Councillors who are seeking re-election to have to go out and purchase their own devices merely for use during the election period. In fact, it is considered that it would be an unreasonable and unnecessary imposition on Councillor candidates if they were forced to have to purchase such resources personally for the purposes of only a matter of a few weeks for use during the election period.~~

~~Council further notes that this approach is consistent with the approach adopted in the Victorian Parliament and the Australian Parliament for Members of Parliament in those places. Councillors may continue to use Council provided resources and facilities to undertake their role as a Councillor.~~

~~4. ELECTION PERIOD~~

~~5. The election period for the 2020 Council general elections commences at midnight Tuesday 22 September 2020 and cease at 6.00pm on election day, Saturday 24 October 2020.~~

6. PROHIBITIONS ON DECISIONS

1) Council decisions

Council will not, during the election period for a general election, make ~~decisions that:~~

~~a) relate to the appointment or remuneration of the Chief Executive Officer, other than those relating to the appointment or remuneration of an Acting Chief Executive Officer; or~~

~~b) commits Council to expenditure exceeding one per cent of Council's income from general rates, municipal charges and service rates and charges in the Financial Year immediately preceding that in which the general election is to be held; or~~

~~c) it considers could be reasonably deferred until the next Council is in place; or~~

~~a) it considers should not be made during an election period, a prohibited decision.~~

~~b) Council will not, during the election period for a general election, make any decisions relating to requests for funding from the Council's Discretionary Expenditure Fund, during the election period.~~

~~d) _____~~

Council will not make any decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election. Prohibitions include decisions mad

2) Committee ~~d~~Decisions

~~a) A Delegated Committee or Community Asset Committee will not, during the election period for a general election, make a prohibited decision.~~

3) Decisions under delegation

a) Any Council officer with decision-making authority or delegated ~~decision making~~ decision-making authority will not, during the election period for a general election, make a prohibited decision. ~~or by a Council officer under delegated authority.~~

3)4) Use of Council resources

a) Council resources ~~are prohibited to~~ will not be used in a way that is intended to ~~affect~~, or is likely to, ~~affect~~ ~~affect~~, voting in, or ~~th~~ the result of, an election.

b) Council resources should also not be used in a way that is intended to benefit one candidate over another.

- c) Council resources include electronic equipment, phones, staff, facilities, and access to information.
- d) However, notwithstanding clause b) and c) Council acknowledges that where Councillors pay a monetary contribution for reasonable personal use, that such reasonable personal use will remain allowable provided that it does not breach the provisions of the Act.

7. Council Meetings

Council Meetings will continue to occur during the election period to ensure that the business of Council can continue to be transacted. However, it is appropriate that some additional measures be taken.

- a) In addition to the powers of review under the Governance Rules, during an election period, the Chief Executive Officer may reject any Notices of Motion that contains electoral matter. Where a Notice of Motion is rejected, the Chief Executive Officer will work with the Councillor to re-word the Notice of Motion where possible to ensure it does not contain electoral matter.
 - b) Public Questions will be reviewed to ensure that they don't contain electoral matter and may be rejected by the Chief Executive Officer. Where a public question is rejected, an opportunity will be provided to the community member to re-word their question to ensure it does not contain electoral matter.
 - c) Petitions and Joint letters and Councillor Reports will be suspended for all Meetings during the election period for a general election.
 - e) Councillors should ensure that their debate and commentary in the Chamber does not include electoral matter.
7. _____

8. MEDIA

PUBLICATIONS

1) Council Approval Process

8. Council will follow the approval process outlined in Appendix 1 (the approval process) before any Council communications are published during the election period.

1)2) General Media

Existing publications will be reviewed to ensure that it doesn't contain electoral material. This may include suspending certain pages on Council's website and limiting information relating to Councillors. The Chief Executive Officer has final sign-off on all media releases or campaigns during the election period.

a) _____

b) All media enquiries will continue, during the election period, to be channelled through the Executive Manager Communications and responses subject to the approval process.

c) Public comment on behalf of the organisation during the election period will be provided by the Chief Executive Officer.

~~Media releases will during the election period, be issued by the Executive Manager Communications, following approval by the Chief Executive Officer.~~

2)3) Use of Social Media

a) Any publication on Council's social media sites during the election period must ~~be approved by the Chief Executive Officer, either generally or in a particular case.~~ follow the approval process.

b) Council officers responsible for administering Council's social media sites will monitor these sites during the election period and use moderation features (where they are available) to ensure that no electoral matter is posted on these sites.

4) Annual Report

a) Council is required to publish an Annual Report. This policy confirms the ability of Council to publish its Annual Report during the election period, with some adjustments to ensure that there is no electoral material or material which could be seen to be promoting individual Councillors.

9. DISCRETIONARY EXPENDITURE FUNDS

~~Council will not make any decisions relating to requests for funding from the Council's Discretionary Expenditure Fund, during the election period.~~

10. MISUSE OF POSITION

~~Section 76D of the *Local Government Act 1989* makes it an offence for a Councillors to misuse their position to:~~

- ~~• gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or~~
- ~~• cause, or attempt to cause, detriment to Council or another person.~~

~~Penalties apply.~~

~~Councillors must take care not to use their position to gain any advantage for themselves, or to cause detriment to any other person, while a candidate in the election.~~

11.9. COUNCIL EVENTS & PUBLIC CONSULTATION

a) Council will not schedule any large public events during the election period. This does not include public events that are routine or are required ~~During the election period,~~

~~Council will schedule only those events and public consultation processes that are required for and relate to its normal responsibilities and legislative requirements and which cannot be left until after election day~~the election period.

b) ~~Projects that require a formal public consultation process will be suspended during the election period. This excludes consultation which is required to effect legislative requirements and which cannot be left until after the election period.~~

c) ~~Advisory Committee meetings will not be scheduled during the election period.~~

12.10. CANDIDATES AT ~~2020~~ COUNCIL ELECTIONS

~~The Council will ensure that access to information that it provides to candidates at the 2020 Council elections is made equally available to all of those candidates. As such:~~

a) ~~Council acknowledges that Councillors may, in the course of their duties, have access to information. During the election period, Councillors will be provided with information to fulfill their role as Councillor. Outside of that, Councillors and candidates will only receive information that is readily available to all candidates.~~

b) ~~Where a candidate requests information from Council (and Council is aware they are a candidate), then such request and any information provided will be recorded on an Information Request Register. The nature of the request and the documents provided will be made publicly available.~~

~~c) The Council will ensure that access to information that it provides to candidates at the 2020 Council elections is made equally available to all of those candidates.~~

d) ~~Councillors will be able to continue to automatically access Council-held documents during the election period, but only as is necessary for them to perform their current role and functions.~~

13.11. ONLINE ACCESSIBILITY OF THE POLICY

An electronic copy of this Policy is available on the Council's website at www.monash.vic.gov.au.

APPENDIX 1: Approval Procedures for Council Publications During the Election Period

The following procedures will apply for the approval of publications for the election period during for ~~the 2020an Council~~ elections:

1. All proposed publications during the election period must be forwarded to the Manager Governance & Legal in the first instance.
2. The Manager Governance & Legal, or someone authorised by the Manager Governance & Legal for the purpose, will determine if there is any electoral material in the proposed publication (other than factual election process information).
3. Should the proposed publication contain such information, it will be returned to the author for correction.
4. Should the proposed publication not contain such information, it will be forwarded to the Chief Executive Officer (or delegate) for approval.
5. The Chief Executive Officer (or delegate) will determine whether it is appropriate to approve the proposed publication.
6. Notwithstanding the preceding provisions of these procedures, the Chief Executive Officer may, from time to time, approve categories of publications for the ~~purpose~~ publishing without specific approval. If they do so:
 - a. all publications will be provided to the Manager Governance & Legal in accordance with these procedures;
 - b. the Manager Governance & Legal, (or delegate) ~~or someone authorised by the Manager Governance & Legal for the purpose~~, will determine if a proposed publication contains electoral material ~~ter~~ and:
 - (i) if it does, it will be dealt with in accordance with paragraph 3 of these procedures; but
 - (ii) if it does not, the Manger Governance & Legal, ~~or someone authorised by the Manager Governance & Legal for the purpose,~~ (or delegate) will determine if it falls within one of the categories of approved publications and:
 1. if it does, it can be published without the need for specific approval from the Chief Executive Officer; but
 2. if it does not, it will be dealt with in accordance with paragraphs 4 and 5 of these procedures.
7. ~~The Chief Executive Officer may vary this process as required, in their absolute discretion, determine not to follow these procedures, on such conditions as they see fit.~~
- 7.8. All decisions will be recorded in a register.

Adopted by Council on 25 August 2020

Amended by Council on 19 October 2021

Amended by Council on 30 August 2022

Amended by Council on 26 April 2023

CHAPTER 7 – ELECTION PERIOD POLICY

DEFINITIONS

Act means the *Local Government Act 2020*.

Advisory Committee means a committee under the control of Council that includes Councillors and members of the public. This excludes the Audit and Risk Committee.

Candidate means a person who has nominated as a candidate for an election under section 256 of the Act.

Delegated Committee has the same meaning as under section 3(1) of the Act.

Community Asset Committee means a committee established under section 65 of the Act.

Election in this Policy means an election held under the Act.

Election day has the same meaning as under section 3(1) of the Act.

Election manager has the same meaning as under section 3(1) of the Act.

Election period has the same meaning as under section 3(1) of the Act.

Electoral material has the same meaning as under section 3(1) of the Act.

Electoral matter has the same meaning as under section 3(4) of the Act.

General election means a general election held under section 257 of the Act.

Nomination day has the same meaning as under section 3(1) of the Act.

this Policy means this Election Period Policy.

Prohibited decision means a decision described in section 69(2) and (3) of the Act.

Publish has the same meaning as under section 3(1) of the Act

1. INTRODUCTION

The Act provides that, during the election period, certain prohibitions apply to the functions and powers of Council as it enters into a 'caretaker' period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

2. POLICY OBJECTIVE AND BACKGROUND

This Policy addresses the requirements of the Act regarding the responsibilities, actions and behaviours of Councillors, Candidates and Council in the period leading up to a general election and during the election period.

3. APPLICATION OF THE POLICY

This Policy applies to Councillors and Council staff. This Policy applies during the election period.

4. ROLE OF THE CHIEF EXECUTIVE OFFICER

In addition to any statutory duties, the Chief Executive Officer will ensure that:

- a) All Councillors and Officers are provided with access to this Policy.
- b) Care is given to the scheduling of matters to be decided to ensure that they are taken prior to the election period, or where appropriate, after the election period.
- c) Appropriate mechanisms are in place to ensure that Council processes and Council officers comply with the Policy and the Act.
- d) Councillors are supported to undertake their duties in their role as Councillor.

5. ROLE OF COUNCILLORS

In addition to any statutory duties, Councillors will ensure that:

- a) They are aware of their obligations under the Act and this Policy.
- b) No Council resources or facilities are to be improperly used for electioneering.
- c) No reimbursements will be sought from Council for costs incurred in electioneering.

Councillors may continue to use Council provided resources and facilities to undertake their role as a Councillor.

6. PROHIBITIONS ON DECISIONS

1) Council decisions

- a) Council will not, during the election period for a general election, make a prohibited decision.
- b) Council will not, during the election period for a general election, make any decisions relating to requests for funding from the Council's Discretionary Expenditure Fund.

2) Committee decisions

- a) A Delegated Committee or Community Asset Committee will not, during the election period for a general election, make a prohibited decision.

3) Decisions under delegation

- a) Any Council officer with decision-making authority or delegated decision-making authority will not, during the election period for a general election, make a prohibited decision.

4) Use of Council resources

- a) Council resources are prohibited to be used in a way that is intended to, or is likely to, affect the result of an election.
- b) Council resources should also not be used in a way that is intended to benefit one candidate over another.
- c) Council resources include electronic equipment, phones, staff, facilities, and access to information.
- d) However, notwithstanding clause b) and c) Council acknowledges that where Councillors pay a monetary contribution for reasonable personal use, that such reasonable personal use will remain allowable provided that it does not breach the provisions of the Act.

7. Council Meetings

Council Meetings will continue to occur during the election period to ensure that the business of Council can continue to be transacted. However, it is appropriate that some additional measures be taken.

- a) In addition to the powers of review under the Governance Rules, during an election period, the Chief Executive Officer may reject any Notices of Motion that contains electoral matter. Where a Notice of Motion is rejected, the Chief Executive Officer will work with the Councillor to re-word the Notice of Motion where possible to ensure it does not contain electoral matter.
- b) Public Questions will be reviewed to ensure that they don't contain electoral matter and may be rejected by the Chief Executive Officer. Where a public question is rejected, an opportunity will be provided to the community member to re-word their question to ensure it does not contain electoral matter.

- c) Petitions and Joint letters and Councillor Reports will be suspended for all Meetings during the election period for a general election.
- e) Councillors should ensure that their debate and commentary in the Chamber does not include electoral matter.

8. PUBLICATIONS

1) Council Approval Process

Council will follow the approval process outlined in Appendix 1 (the approval process) before any Council communications are published during the election period.

2) General Media

- a) Existing publications will be reviewed to ensure that it doesn't contain electoral material. This may include suspending certain pages on Council's website and limiting information relating to Councillors.
- b) All media enquiries will continue, during the election period, to be channelled through the Executive Manager Communications and responses subject to the approval process.
- c) Public comment on behalf of the organisation during the election period will be provided by the Chief Executive Officer.

3) Use of Social Media

- a) Any publication on Council's social media sites during the election period must follow the approval process.
- b) Council officers responsible for administering Council's social media sites will monitor these sites during the election period and use moderation features (where they are available) to ensure that no electoral matter is posted on these sites.

4) Annual Report

- a) Council is required to publish an Annual Report. This policy confirms the ability of Council to publish its Annual Report during the election period, with some adjustments to ensure that there is no electoral material or material which could be seen to be promoting individual Councillors.

9. COUNCIL EVENTS & PUBLIC CONSULTATION

- a) Council will not schedule any large public events during the election period. This does not include public events that are routine or are required for and relate to its normal responsibilities and legislative requirements and which cannot be left until after the election period.

- b) Projects that require a formal public consultation process will be suspended during the election period. This excludes consultation which is required to effect legislative requirements and which cannot be left until after the election period.
- c) Advisory Committee meetings will not be scheduled during the election period.

10. CANDIDATES AT COUNCIL ELECTIONS

The Council will ensure that information that it provides to candidates at a Council election are made equally available to all of those candidates. As such:

- a) Council acknowledges that Councillors may, in the course of their duties, have access to information. During the election period, Councillors will be provided with information to fulfill their role as Councillor. Outside of that, Councillors and candidates will only receive information that is readily available to all candidates.
- b) Where a candidate requests information from Council (and Council is aware they are a candidate), then such request and any information provided will be recorded on an Information Request Register. The nature of the request and the documents provided will be made publicly available.
- c) Councillors will be able to continue to automatically access Council-held documents during the election period, but only as is necessary for them to perform their current role and functions.

11. ONLINE ACCESSIBILITY OF THE POLICY

An electronic copy of this Policy is available on the Council's website at www.monash.vic.gov.au.

APPENDIX 1: Approval Procedures for Council Publications During the Election Period

The following procedures will apply for the approval of publications for the election period during for an election:

1. All proposed publications during the election period must be forwarded to the Manager Governance & Legal in the first instance.
2. The Manager Governance & Legal, or someone authorised by the Manager Governance & Legal for the purpose, will determine if there is any electoral material in the proposed publication (other than factual election process information).
3. Should the proposed publication contain such information, it will be returned to the author for correction.
4. Should the proposed publication not contain such information, it will be forwarded to the Chief Executive Officer (or delegate) for approval.
5. The Chief Executive Officer (or delegate) will determine whether it is appropriate to approve the proposed publication.
6. Notwithstanding the preceding provisions of these procedures, the Chief Executive Officer may, from time to time, approve categories of publications for the publishing without specific approval. If they do so:
 - a. all publications will be provided to the Manager Governance & Legal in accordance with these procedures;
 - b. the Manager Governance & Legal, (or delegate), will determine if a proposed publication contains electoral material and:
 - (i) if it does, it will be dealt with in accordance with paragraph 3 of these procedures; but
 - (ii) if it does not, the Manger Governance & Legal, (or delegate) will determine if it falls within one of the categories of approved publications and:
 1. if it does, it can be published without the need for specific approval from the Chief Executive Officer; but
 2. if it does not, it will be dealt with in accordance with paragraphs 4 and 5 of these procedures.
7. The Chief Executive Officer may vary this process as required.
8. All decisions will be recorded in a register.