

POLICY NO.	A.12
POLICY SUBJECT	Electoral Code of Conduct
ADOPTION DATE	27 November 2003
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Introduction

This Code of Conduct contains the principles and standards Officers are to apply in performing Electoral Officer duties and must be read in conjunction with Part 4 (Elections & Other Polls) of the Local Government Act 1995 and the Local Government (Elections) Regulations 1997.

Elections are the very foundation of our democratic society and vigilance is required in preserving the integrity of the electoral process.

Elections can also be an emotional experience for winning and losing candidates and a fertile area for disputation if cause exists. All candidates are entitled to expect that Officers from the Shire of Bridgetown-Greenbushes will conduct themselves as to ensure the election outcome is a true expression of the will of the electorate.

An election is also an opportunity for personal contact with a big number of the Shire's ratepayers and residents. Casting a vote will be one of the few direct contacts some will have with the Shire during the course of a year. The goal for the Shire of Bridgetown-Greenbushes Electoral Officers is to project an image of professionalism, impartiality and friendliness.

The charter for this Code of conduct is contained in Elections Regulation 8, which provides -

- “8.(1) This regulation applies to the ordinary elections to be held in 1999 and to each subsequent election.
- (2) The Returning Officer (RO) for any election to which this regulation applies is to prepare or adopt an electoral code of conduct for the election which aims to ensure that all electoral officers act -
- a) lawfully;
 - b) professionally;
 - c) fairly and impartially;
 - d) with honesty and integrity; and
 - e) without any conflict of interest, in relation to the election.
- (3) The RO is to provide each electoral officer with a copy of, or access to a copy of, the electoral code of conduct.
- (4) An electoral officer is to observe and comply with the electoral code of conduct.”

It is noted this Electoral Code of Conduct pertains to elections, referendums or polls conducted “in-house”. A Returning Officer who is not the Shire of Bridgetown-Greenbushes’ CEO will provide his/her own Electoral Code of Conduct to Electoral Officers. If no Electoral Code of Conduct is provided, then the Shire of Bridgetown-

Greenbushes Electoral Code of Conduct will become the Electoral Code of Conduct for the specific election, referendum or poll.

Appointment of Electoral Officers

Unless other arrangements are made by Council, the Returning Officer for local government elections, referendums and polls will be the Chief Executive Officer [s.4.20].

The Returning Officers functions will be those as set out in Clause 4.23 of the Local Government Act 1995 and Local Government (Electoral) Regulations 1997 which include –

- (a) appointing places for the casting of votes, places for the delivery of postal votes and places for the counting of votes for elections;
- (b) appointing Electoral Officers including a Deputy Returning Officer.

If the Returning Officer is absent or cannot perform his or her functions, the Deputy Returning Officer is to perform the RO's functions [s.4.22(3)].

Act Fairly and Impartially

Electoral Officers will -

- act impartially to serve the common good, while recognising that equity can involve treating people differently according to their circumstances
- be polite and sensitive to customer needs : explain the reason for decisions
- be alert to any attempt by candidates/scrutineers to gain an unfair advantage and report any questionable activities in this regard to the appropriate authority
- refrain from making comments of a party political nature, or about candidates or local referendum issues, or policies of Council.

Electoral Officers will not -

- solicit or accept gifts, fees, favours or remuneration of any kind, from a candidate or person assisting a candidate.

Act with Honesty and Integrity

Electoral Officers will -

- advise if a vote cannot be allowed, and explain the reason(s) why
- have available a supply of Enrolment Eligibility Claim forms
- invite aggrieved persons to exercise their rights of appeal or complaint
- explain processes and procedures.

Duty of Care

Electoral officers must exercise a duty of care in order to fulfil their obligations effectively and without causing harm. Such a duty of care includes:

- ensuring the efficient and effective use of those resources placed at Officers' disposal
- being accountable for the use of those resources; and
- setting an example by supporting and monitoring ethical behaviour.

Act With No Conflict of Interest

Electoral officers are to act without conflict of interest.

Generally, a conflict of interest exists if the relationship between a prospective Electoral Officer and a candidate is such as could influence, or be seen by others to influence, the partiality with which electoral provisions are administered.

Examples of “closely associated” relationships an Officer could have to a candidate where a conflict of interest might arise include:

- a spouse (includes defacto) of the candidate
- a parent of a candidate
- a close relative of a candidate
- a partner of a candidate
- an employee of a candidate
- a trustee, if a candidate is a beneficiary
- associated through his/her spouse who is living with the Officer and is -
 - (a) parent of a candidate living with them
 - (b) partner of a candidate
 - (c) an employee of a candidate or
 - (d) a trustee, if a candidate is a beneficiary.

If any Officer has such a “close association” or is the Director of a Company associated with a candidate they must disclose the relevant detail to the RO and accept that person’s judgement as to whether or not the ‘interest’ should preclude their engagement as an Electoral Officer.

Complaints & Grievance Procedure

A complaint or grievance made by a third party against an *Electoral Officer* should be directed to the Chief Executive Officer if he/she is the Returning Officer. If Council has appointed someone other than the CEO to be the Returning Officer then the complaint or grievance should be in accordance with the Electoral Code of Conduct provided by the Returning Officer. If no independent Electoral Code of Conduct has been provided by the Returning Officer then a complaint or grievance should be directed to the Electoral Commissioner for Western Australia.

A complaint or grievance made by a third party against the *Returning Officer* should be directed to the Shire President if the CEO is the Returning Officer. If Council has appointed someone other than the CEO to be the Returning Officer then the complaint or grievance should be in accordance with the Electoral Code of Conduct provided by the Returning Officer. If no independent Electoral Code of Conduct has been provided by the Returning Officer then a complaint or grievance should be directed to the Electoral Commissioner for Western Australia.

Where the CEO is the Returning Officer, a complaint or grievance against an Electoral Officer or the Returning Officer will be dealt with in accordance with Council’s Code of Conduct.

Disciplinary Action

Sanctions may be applied if this Code or any relevant law is breached. Depending on the nature of the breach, sanctions may include counselling, disciplinary action (including termination of Electoral Officer duties), the levying of a fine and/or the laying of criminal charges and the taking of civil action.

The Electoral Code of Conduct should be read in conjunction with Council's Code of Conduct and breaches dealt with accordingly.