

## G 26 – Electoral Code of Conduct

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### 1 Objectives

The objectives of the Electoral Code of Conduct are to:

- 1.1** Ensure officers comply with the legislated principles and standards when performing Electoral Officer duties.
- 1.2** Ensure compliance with Part 4 (Elections & Other Polls) of the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.
- 1.3** Ensure compliance specifically with r.8 *Local Government (Elections) Regulations 1997* – Electoral codes of conduct.

### 2 Scope

This Code of Conduct applies to every person participating in a Shire of Bridgetown-Greenbushes Local Government Election.

### 3 Definitions

#### 3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government Councillors, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

#### 3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment. Also known as staff.

#### 3.3 Returning Officer

means the person responsible for core aspects of the election process, including the management of polling places and polling place staff, candidate nominations and supervising the election in their district or region on polling day. Returning Officers are a useful source of information during an election.

#### 3.4 Worker

A part-time or full-time employee, casual employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

### 4 Guiding Legislation

Council will comply with r.8 *Local Government (Elections) Regulations 1997* – Electoral Codes of Conduct, 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 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 Returning Officer 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.'

## 5 Applicability

- 5.1 This Electoral Code of Conduct applies to elections, referendums or polls conducted 'in-house' using the Shire of Bridgetown-Greenbushes CEO as the Returning Officer.
- 5.2 An external Returning Officer who is not the Shire of Bridgetown- Greenbushes' CEO will provide his/her own Electoral Code of Conduct to Electoral Officers.
- 5.3 If no Electoral Code of Conduct is provided by the external Returning Officer, then the Shire of Bridgetown- Greenbushes Electoral Code of Conduct will become the Electoral Code of Conduct for the specific election, referendum or poll.

## 6 Appointment of electoral Officers

- 6.1 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].
- 6.2 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.
- 6.3 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)].

## 7 Act Fairly and Impartially

Electoral Officers will -

- 7.1 Act impartially to serve the common good, while recognising that equity can involve treating people differently according to their circumstances.
- 7.2 Be polite and sensitive to customer needs: explain the reason for decisions.
- 7.3 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.
- 7.4 Refrain from making comments of a party political nature, or about candidates or local referendum issues, or policies of Council.

Electoral Officers will not -

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

## 8 Act With Honesty and Integrity

Electoral Officers will -

- 8.1 Advise if a vote cannot be allowed and explain the reason(s) why.
- 8.2 Have available a supply of Enrolment Eligibility Claim Forms.

**8.3** Invite aggrieved persons to exercise their rights of appeal or complaint.

**8.4** Explain processes and procedures.

## 9 Duty of Care

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

**9.1** Ensuring the efficient and effective use of those resources placed at the Electoral Officers' disposal.

**9.2** Being accountable for the use of those resources.

**9.3** Setting an example by supporting and monitoring ethical behaviour.

## 10 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 Electoral Officer with a candidate where a conflict of interest might arise include:

**10.1** Spouse or life partner of the candidate.

**10.2** Parent of a candidate.

**10.3** Close relative of a candidate.

**10.4** Business partner of a candidate.

**10.5** Employee of a candidate.

**10.6** Trustee, if a candidate is a beneficiary.

**10.7** Associated through his/her spouse who is living with the Electoral Officer and is -

- Parent of a candidate living with them.
- Partner of a candidate.
- Employee of a candidate.
- 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 Returning Officer and accept that person's judgement as to whether the 'interest' should preclude their engagement as an Electoral Officer.

## 11 Complaints & Grievance Procedure

**11.1** 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. The CEO will progress the alleged grievance in accordance with the P4 - Grievance Resolution Policy if the Electoral Officer is an employee, and in accordance with CE 1 – Feedback Policy if the Electoral Officer is not an employee.

**11.2** 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. The Shire President will progress the alleged grievance in accordance with the P4 - Grievance Resolution Policy.

- 11.3 If Council has appointed someone other than the CEO to be the Returning Officer (e.g. independent consultant) then the complaint or grievance should be in accordance with the Electoral Code of Conduct provided by the Returning Officer.
- 11.4 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.

## 12 Non-compliance with Conduct

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.

## 13 Accountabilities & Responsibilities

13.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable Code of Conduct.
- Endorsing (or not) the Code of Conduct in a timely and effective manner.
- Delegating implementation of the Code of Conduct to the CEO.

13.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this Code of Conduct, in accordance with governing legislation and Council directives.

13.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this Code of Conduct.
- Enacting process to redress non-compliance with this document.

13.4 All employees are individually responsible for complying with this Code of Conduct.

## 14 Risk Management

If this policy in place the risks include (but are not limited to):

- 14.1 Non-compliance with the legislated principles and standards when performing Electoral Officer duties.
- 14.2 Non-compliance with Part 4 (Elections & Other Polls) of the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.
- 14.3 Non-compliance specifically with r.8 *Local Government (Elections) Regulations 1997* – Electoral codes of conduct.
- 14.4 Financial and reputational damage.

## 15 Legislation, Policy & Other Related Documents

Act	<p><i>Local Government Act 1995</i></p> <p>s.2.7(2)(b) – The council is to determine the local government’s policies</p> <p>s.4.20 – CEO to be returning officer unless other arrangements made</p> <p>s.4.22 – Returning office to conduct elections</p> <p>s.4.23 – Returning officer’s functions</p> <p>s.4.27 – Regulations about electoral officers and conduct of elections</p>
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Regulation	r.8 <i>Local Government (Elections) Regulations 1997</i> – Electoral codes of conduct
Local Law	N/A
Shire Policies	Code of Conduct for Council Members, Committee Members and Candidates Employee Code of Conduct CE 1 – Feedback Policy P 3 – Grievance Resolution Policy
Related Documents	N/A
Related Procedure	N/A

## 16 Administration

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