



EMPLOYEES SEEKING TO STAND AT A LOCAL GOVERNMENT ELECTION

Fact Sheet

ARE YOU AN EMPLOYEE INTERESTED IN NOMINATING FOR COUNCIL?

This information sheet has been written to inform Council employees who are interested in becoming a candidate for local government elections about the relevant legislation, internal processes and how you can avoid any conflicts of interest that may arise. This applies whether you are nominating for the South Burnett Regional Council or another local government.

Council employees are entitled to run for public office, including as a Local Government Councillor if they wish, however they must ensure that no real or perceived conflicts of interest between their role as a Council employee and their desire to become a Councillor arise.

LEGISLATION

Section 8 of the *Local Government Electoral Act 2011* provides that the Electoral Commission of Queensland will conduct quadrennial elections and by-elections for local governments.

Section 115 of the *Local Government Electoral Act 2011* provides that a candidate's disclosure period starts when they announce that they are to be a candidate or when they become a candidate.

Section 126 of the *Local Government Electoral Act 2011* provides that candidate must operate a dedicated account for all money received as donations, gifts and loans and all election campaign expenditure in the disclosure period.

Section 203 of the *Local Government Electoral Act 2011* provides that a Council employee who nominates as a candidate for an election is entitled to a leave of absence to contest the election. This could be paid or unpaid leave, depending on your accrued leave entitlements.

Section 159 of the *Local Government Act 2009* provides that the term as a Councillor commences at the conclusion of the election – when the Returning Officer declares the poll.

Section 167 of the *Local Government Act 2009* provides that if a person becomes a councillor while the person is a local government employee, the person is taken to have resigned as a local government employee on the day before the person becomes a councillor.

Information on the conduct of the election can be obtained from the Electoral Commission of Queensland www.ecq.qld.gov.au, phone 1300 881 665, or email ecq@ecq.qld.gov.au.

Intending candidates are advised to become familiar with these Acts as they include important information on the conduct of the election and the roles and obligations of candidates and Councillors. Copies can be obtained from www.legislation.qld.gov.au or the Office of the Queensland Parliamentary Counsel, Level 17 and 18, 111 George Street, Brisbane Qld 4000.

CONFLICT OF INTEREST

All Council employees have a statutory duty to ensure that there is no conflict, potential conflict, or perceived conflict, between their own interests and the interests of the community and the honest and impartial performance of their role with Council.

Perceived conflict of interest can exist where it could appear to others that the employee's private interests could improperly influence the performance of their official duties and responsibilities, whether or not this is actually the case.

Potential conflict of interest arises where an employee has private interests that could in the future conflict with your official duties and responsibilities at Council.

(Cont...)

For Further Information

Please contact Council's Chief Executive Officer on (07) 4189 9100.

www.southburnett.qld.gov.au



SOUTH BURNETT
REGIONAL COUNCIL



DUTY TO AVOID A CONFLICT OF INTEREST

To avoid a conflict of interest, safeguard your personal and professional integrity and ensure that there is no adverse impact on the reputation of the Council, you are expected to take necessary action to ensure that any real or perceived conflict of interest is avoided. In all but extraordinary instances, it is expected that arrangements will be made to take leave (annual leave, long service leave, unpaid leave and / or leave of absence) from the date of nomination until the poll is declared.

If you announce your intention to stand as a candidate prior to nominating and in exceptional circumstances it is not reasonable for you to take leave, you must at all times perform your duties as a Council employee professionally, and in a way that does not allow your candidature to impact on Council and agree to follow an Election Management Plan.

LEAVE AND ENTITLEMENTS

You will need to formally apply for leave, whether paid or unpaid using the Council's approved policies and protocols. Your entitlements (annual leave, etc.) will continue to accrue if you have taken paid leave, however, where unpaid leave is taken, entitlements do not accrue.

Where the use of a Council vehicle forms part of your remuneration package, the vehicles use will be suspended during this time and temporarily surrendered to Council.

OTHER

You should contact LGSuper with respect to any superannuation issues and the Australian Tax Office regarding taxation matters (e.g. deductible expenses).

ELECTION MANAGEMENT PLAN

When you announce your intention to stand as a candidate prior to nominating, you may continue to work in your position or another suitable position, provided that an Election Management Plan is developed with your Manager to identify the risks to the organisation and ways to manage those risks. Considerations include:

- Access to and use of Council information (improper access to and use of information for campaign purposes is prohibited).
- Access to and use of Council buildings, facilities, plant and systems, including email, telephones,

photocopier, noticeboards and similar services (access may be limited, based on individual circumstances and job requirements).

- How public / election statements are made (they should clearly articulate that they are being made as a candidate and not a Council employee).
- Interaction with Councillors and other candidates.
- How complaints about the Council employee's conduct related to the campaign are to be investigated and managed.

The Manager, Social and Corporate Performance may provide advice and guidance in the development of the Election Management Plan, which must be approved by the Chief Executive Officer and may be subject to change, depending on circumstances.

Notwithstanding this, the onus rests solely with you to ensure that a conflict of interest does not arise or is managed appropriately. Should the performance of your duties be impacted negatively by your candidature, managerial intervention may occur and may include disciplinary action.

NOMINATION AS A CANDIDATE

Once a Council employee has nominated as a candidate for the local government election, the Council employee must be absent on leave from the date of their nomination until the declaration of the poll.

¹ This document is a summary of the major issues and not a comprehensive document of all matters relating to employees who wish to run as candidates for local government elections. Potential candidates should satisfy themselves of the requirements of the respective Acts and ensure that they avoid creating a conflict of interest between their duties and aspirations to be a Councillor.

Information on the conduct of the election can be obtained from the Electoral Commission of Queensland www.ecq.qld.gov.au, phone 1300 881 665, or email ecq@ecq.qld.gov.au.

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