

GUIDELINE

LOCAL GOVERNMENT EMPLOYEES TO CONTEST LOCAL GOVERNMENT ELECTIONS

This guideline provides information on how to respond to local government employees who wish to contest local government election. Employees who are considering, or determined, to contest a local government election are encouraged to inform their manager immediately so that your, and council's, reputation and integrity are best managed.

Local Government Electoral Act 2011 (s203), provides guidance for staff who are interested in contesting local government elections and also for their local government (employer):

203 Leave to local government employee to contest local government election

- (1) A local government employee who nominates as a candidate for an election is entitled to a leave of absence, for a period of not more than 2 months, to contest the election.*
- (2) A local government employee may use any entitlement to accrued leave with pay as leave to which the employee is entitled under subsection (1).*
- (3) A local government employee is not entitled to payment of salary or wages for any period of leave taken under subsection (1) other than any accrued leave with pay that the employee uses during the period.*

Reference is also made to section 167 of the *Local Government Act 2009* section should an employee be successful in their contest:

167 Councillors and local government jobs

- (1) 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.*

EMPLOYEES SEEKING ELECTION TO COUNCIL

If a council employee (including a contractor or volunteer) is intending to be a candidate for a Council election they must advise their Manager and Director as soon as possible.

Arrangements will then be made to develop an Election Management Plan (EMP) in conjunction with the employee's supervisor, manager and <Dir/CEO/Mgr HR/Governance Manager> to ensure that both Council's and the employee's reputation and integrity is protected during the employee's campaign.

The EMP may require the employee having to change work location, take extended leave and other steps deemed necessary to protect all parties reputation.

As a candidate the employee, contractor or volunteer is entitled to be absent on leave from their appointment during the entire election period in accordance with section 203 of the *Local Government Electoral Act 2011*.

Employees need to be aware and manage conflicts of interest relating to their employment and being a (potential/current) candidate for the election. Employees contesting the local government

election may be asked to return some or all tools of the trade, such as mobile phones, laptops, vehicles and other equipment belonging to the Council for the duration of their contest/campaign.

Employees are still bound by Council’s Code of Conduct for the duration of their campaign and you must not use your role in council or information gained to advance or benefit your campaign.

Employees who are considering to contest a local government election are encouraged to familiarise themselves with requirements to become a candidate by visiting the [Department of Local Government’s](#) and [Electoral Commission Queensland](#) webpages (which requires, but not limited to, completing the “So You Want to be a Councillor?” candidate training).

PREPARING THE ELECTION MANAGEMENT PLAN (EMP)

The EMP will identify risks and how these will be managed. Matters that will be considered include, but not limited to, access to and use of council information, buildings and facilities and interactions with staff, Councillors and other candidates.

The EMP is to be developed to ensure both the council and employee have a clear and agreed set of conditions aimed to protect the integrity of all parties.

Council should consider the following (this is not an exhaustive list):

Issue	Considerations
Employee’s position	Should the employee be relocated immediately, or can they remain in their position/location?
Planned external engagements of the employee as part of their position. <i>(Perceived unintended opportunities for campaigning need to be managed.)</i>	Does the employee’s position require them to engage with the community or attend events? Options include cancelling meetings or arranging for alternate staff to participate.
Exposure to (sitting) councillors	Both the Employee and Councillors are bound to their respective code of conducts, however if necessary, alternate duties may be required to manage perceptions.
Accrued leave (or lack thereof)	Does the employee have enough leave to be absent for the required period? i.e., accrued leave/long service leave. If not, the employee will need to plan for leave without pay. <i>NB: template provides for leave to commence when nominations close if the employee determines not to nominate. However, it is recommended that if they are committed, an earlier commencement of leave may be negotiated.</i>
Messaging to public and staff	Consider key statements or releasing media statement to ensure awareness of what has been put in place to manage perceptions and/or identified risks.