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Political Neutrality in the AEC

People Branch

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Objective

1. The objective of this policy is to establish the requirements that underpin the political and issue neutrality requirements of all persons engaged by the Australian Electoral Commission (AEC).
2. The concept of political and issue neutrality requires that everyone engaged by the AEC ensure that they are not active in any political affairs and do not intend to engage in such activities during their engagement by the AEC.

Application

3. This policy applies to all including those engaged under Section 22 of the *Public Service Act 1999* (PS Act) including secondees, all Statutory Appointments, those employed under Section 35 of the *Commonwealth Electoral Act 1918* (CEA) and workers engaged to work under labour hire arrangements.
4. **Note:** For the political and issue neutrality requirements for suppliers, including labour hire personnel provided to the AEC through a contracted agency (i.e. where no employment relationship exists), refer to the AEC's Procurement Procedures.

Definitions applicable to the Policy

Employee	<p>Includes:</p> <ul style="list-style-type: none">• APS employees as defined in the PS Act who is working in the AEC, and including employees on secondment to the AEC), including those engaged under Section 22 of the PS Act,• Statutory Appointments or• persons engaged under Section 35 of the CEA. <p>Note: While contractors, being those persons employed by a labour hire agency (and engaged by the AEC), are not employees, the political and issue neutrality requirements can apply via the terms of the contract that governs their service. In such instances, a reference to an employee in this policy includes a reference to contractors.</p>
Manager	Designated person or role to which the Employee reports for direction on a day-to-day basis, and includes the person referred to as a supervisor or a nominee of the Manager.
Political Party	An organisation the object or activity, or one of the objects or activities, of which is the promotion of the election to the Senate or to the House of Representatives of a candidate or candidates endorsed by it.
Issue	Refers to the subject of a referendum to amend the Constitution.

Principles

General Principles

5. The Australia Public Service (APS) Values and Code of Conduct require APS employees to be apolitical, impartial and taking reasonable steps to avoid conflicts of interest. In the context of the statutory functions given to the AEC in relation to the conduct of elections and referenda, the AEC and its Employees must be, and must be seen to be, impartial and politically neutral and must, at all times, behave in a way that upholds both the APS Values and Code of Conduct.

Employment Condition

6. The Electoral Commissioner may engage a person as an employee subject to them meeting notified conditions relating to the inherent requirements of their employment. Neutrality is an inherent requirement of employment in the AEC. This is described at clause 5 of the *AEC Enterprise Agreement 2016-2019*. The AEC must maintain strict political and issue neutrality and cannot engage as an Employee anyone who is, or is seen to be, active in political or issue affairs.
7. All prospective Employees are required to declare on engagement that they will not engage in activities that compromise their political and issue neutrality via an Acknowledgement and Declaration of Key Obligations (ADKO) form. Employees will be required to declare their ongoing political and issue neutrality during the course of their employment at the AEC.
8. All AEC recruitment advertising, selection criteria and position descriptions must include a statement of the political and issue neutrality requirement.

Meeting the requirement for political and issue neutrality in the AEC

9. The AEC is responsible for providing the Australian people with an independent electoral service capable of meeting their needs, while enhancing their understanding of, and participation in, the electoral process. It is, therefore, essential that all Employees, office-holders, and labour hire/contractors are, and are seen to be, politically and issue neutral.

Being Politically neutral

10. While each person's individual circumstances will be dealt with according to the relevant facts, some examples of activities that could be interpreted as conflicting with political neutrality, and which would preclude employment by the AEC, include:
 - Campaigning for, or against, a Political Party or candidate at either Federal, State or Territory elections – e.g. media statements, handing out how-to-vote material, attributable statements on the Internet,
 - Standing as a candidate at either Federal, State or Territory election,

- Active support for, or opposition to, a particular Political Party or candidate, – e.g. letters to the editor, attending political rallies, other publicly available statements of political views,
- Publishing material on social media, which identifies that the person is an Employee of the AEC and makes public comments that could be construed as supporting, or opposing, a particular Political Party or candidate,
- Activities which could be interpreted by a reasonable person as supporting or opposing a particular Political Party or candidate, – e.g. regular public appearances or association with a Political Party or candidate.

11. The following are examples of situations where political neutrality is not necessarily compromised:

- Membership of organisations that support or oppose the policies of Political Parties, or
- Trade union membership or activity, provided it is not of a political nature.

Being Issue Neutral

12. The points described in Section 10 also apply to issue neutrality. As well as not showing support for, or opposition to, a political party, employees should not show support, or opposition, for a referendum campaign or referendum issue.

13. Issue neutrality is compromised by:

- making public comment about referendum issues
- participating on social media about referendum campaigns or issues
- commenting on or protesting in relation to an issue that is the subject of political debate
- wearing clothing with issues based messaging
- attending campaign rallies
- being on a board of a club, council or association where that organisation proposes or considers taking a position on any referendum issues; and not notifying the AEC of a potential conflict of interest and taking suitable mitigation strategies (in consultation with the AEC). This may include absenting themselves from any referendum issues debate or vote that board may undertake or stepping down from the position with the organisation.

14. Issue neutrality is not compromised by:

- the inclusion of an acknowledgement of country, verbal or written. This in and of itself does not constitute support for a position on the referendum, it is in the spirit of reconciliation and the AEC has a longstanding commitment, through our Reconciliation Action Plan, to supporting these actions
- wearing indigenous artwork or themed clothing and lanyards. The display of indigenous artwork or motifs is acceptable and commonplace, and is supported by our Reconciliation Action Plan. However, images or materials supporting political views or positions on referendum or political issues are not permitted
- Being a member of a club or association that has taken a view on referendum issues, as long as you do not publicly support that position or participate in the discussion.

Employees who intend to contest an election

15. the PS Act and *Regulations* provide for Employees who are candidates at prescribed elections to resign up to 6 months prior to the closing date for nominations. Such Employees have a right of return if they are unsuccessful.
16. The Regulations 3.13 to 3.15 set out in detail the arrangements for return. However, in summary:
 - A prescribed election is a Commonwealth or State parliamentary election, an ACT or NT legislative assembly election, or a Torres Strait Regional Authority member or zone election under the *Aboriginal and Torres Strait Islander Act 2005*.
 - For a non-ongoing Employee, the term of the Employee's original engagement has not expired and the task has not been completed.
 - The Employee applies to return to the AEC no later than two months after the results of the election are declared or a final decision is made on the results.
 - Engagement is on the same basis as when the Employee resigned, i.e. classification, duties, terms and conditions of employment and remuneration, (or if these have changed since the person resigned, the changed terms, conditions and remuneration).
 - The resignation period counts as service for the accrual of leave entitlements for the Employee.

Not adhering with political and issue neutrality requirements

17. Where an Employee does not comply with the political and issue neutrality requirements, or actively supports any political views or positions on referendum or political issues, they may be in breach of the APS Code of Conduct, their terms of engagement under section 35 of the CEA or the terms of their contract for their engagement.
18. For APS employees, alleged breaches of the requirements may be managed in accordance with the process set out in the AEC Procedures for Determining Breaches of the APS Code of Conduct and Sanctions and may result in sanctions under section 15 of the PS Act.
19. For temporary election workforce employees and contractors, alleged breaches of the issue and neutrality requirements will be assessed and may result in termination of employment for a breach of the terms and conditions of engagement under section 35 of the CEA or their contract of engagement.

Responsibilities

20. In accordance with the APS Values, the AEC will deal with questions or issues of political and/or issue neutrality in a fair, open and transparent manner. (Complex cases where the political and/or issue neutrality of either a prospective or actual Employee impacts the AEC Reputation Management System should be brought to the attention of the Electoral Commissioner).

Managers

21. Managers must be aware of this policy and its application. This includes awareness of the obligations relating to political and issue neutrality, the implications of non-compliance with these obligations and their implications for Employees who disregard their obligations for political neutrality.

Employees

22. Employees must raise and discuss any potential conflict of interest in relation to their responsibilities and AEC requirements to be and remain politically and issue neutral by notifying their Manager in the first instance. This also includes advising of any changes to their personal circumstances.

Questions or Concerns

23. People Branch is able to advise Employees and Managers on available options for handling situations where there is potential for political and/or issue neutrality to be breached, e.g. counselling, reassignment to other duties, redeployment to another agency, or the APS Code of Conduct requirements and/or termination of a person engaged under the CEA or other contracts of engagement.

Recording and Reporting

24. Employees are required to acknowledge and declare the requirement for political and issue neutrality, in that it is a condition of engagement to maintain political and issue neutrality during the period of any engagement with the AEC.
25. A copy of the Acknowledgment and Declaration of Key Obligations (ADKO) form must be retained by the employee's work group.

Evaluation

26. This policy will be reviewed annually.

Legislation

- *Commonwealth Electoral Act 1918*
- *Public Service Act 1999*
- *Public Service Regulations 1999*
- AEC's Conflict of Interest Policy

Contact

[Employee Relations & Performance team, People Branch](#)

Version control

Version	Last review date	Action	Next review date	Owner	Approved by
1.0	April 2016	Review of Policy	April 2017	PSB – ERSS	Electoral Commissioner
1.1	1 December 2016	Review for 2016-2019 EA	1 March 2018	PSB – Performance and Conduct	Assistant Director, Performance and Conduct
1.2	November 2017	Update references to PSB to Corporate Services Branch and re-format in line with AEC Policy Format	November 2018	Director, People, Security and Integrity	Assistant Commissioner Corporate Services Branch
1.3	March 2019	Annual Review	March 2020	Director, People, Security and Integrity	Assistant Commissioner Corporate Services Branch
1.4	July 2023	Include issue neutrality for referendum	July 2024	Director, Employee Relations & Performance	
