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# Political Neutrality Policy

Version 1.0

## Approval



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**Electoral Commissioner**

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## Version history

Version	Notes	Author	Date of Change
1.0A	Draft	Team Leader (HR)	February 2019
1.0	Issued for use	Electoral Commissioner	March 2019

## Review

This policy will be reviewed **every three years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary.

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## Purpose

This policy highlights the political neutrality obligations of all staff engaged by the Electoral Commission of Queensland (ECQ). This policy helps a job applicant to self-assess as whether they are precluded from employment with the ECQ based on their political affiliations or activities.

## Rationale

In Queensland, the *Public Sector Ethics Act 1994* mandates good public administration is based on Westminster conventions of democratic parliamentary government and the ethical principles:

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency.

The idea of “public interest” lies at the centre of the concept of responsible public services. The *Code of Conduct for the Queensland Public Service (2011)* explains how the public interest guides the work performance and personal conduct of public service employees. ECQ employees are the trustees of the public interest when they perform duties and responsibilities in the ECQ. The ethical principle *Commitment to the system of government* requires that all ECQ employees:

- are committed to effecting official public sector priorities, policies and decisions professionally and impartially.

Political neutrality is an inherent requirement for employment and continued employment with the ECQ. The ECQ implements the democratic principles of an impartial and fair electoral system in which elections are conducted in a politically non-partisan way and in accordance with the law.

## Guiding Principles

The ECQ is an independent, statutory authority, responsible for the impartial conduct of elections and referendums under the *Electoral Act 1992*, *Local Government Electoral Act 2011* and the *Referendums Act 1997*. Section 26 of the *Public Service Act 2008* mandates political neutrality for the ECQ’s public service employee work performance and personal conduct must be directed to:

- carry out duties impartially and with integrity; and
- act honestly, fairly and in the public interest; and
- ensure personal conduct does not reflect adversely on the reputation of the public service.

The *Code of Conduct for the Queensland Public Service* applies to all ECQ employees. The guiding principles of the political neutrality policy for all ECQ employees are that employees must:

- have regard for the public interest
- register or declare personal loyalties and interests
- avoid personal behaviour which could bring elections into disrepute
- be politically non-partisan, personally disinterested, uninfluenced by improper considerations
- avoid patronage, favouritism and unjustified discrimination
- not undermine public confidence in the system of government.<sup>1</sup>

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<sup>1</sup> Westminster principles of government and administration adapted from the Electoral and Administrative Review Commission. May 1992. [Report on the Review of Codes of Conduct for Public Officials](#), Queensland, Brisbane, p.16.

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## Policy

Political neutrality is a fundamental and inherent requirement for employment with the ECQ. The ECQ fulfils its statutory functions by protecting its independence and impartiality from any possible undue influence for partisan political electoral advantage. Persons active or who have been active in political activities may risk and compromise the ECQ's political impartiality and independence. It is essential that ECQ staff are, and are seen to be, above and beyond reproach.

Political neutrality means that any employee of the ECQ is required to:

- Refrain from membership of any political party
- Refrain from engaging in political activity which could be seen as reflecting adversely on the staff member's political neutrality
- Remain politically neutral in all aspects of work and in dealing with all clients.

A conflict of interest occurs, or may be seen to occur, if an employee's personal interests makes it difficult to perform their duties impartially in the public interest. Any actual, potential or perceived conflict of interest must be addressed through the ECQ's Conflict of Interests Policy.

While a person's own circumstances will be dealt with according to the relevant facts, some examples of past or present activities that may be interpreted as conflicting with political neutrality, and would preclude engagement by or ongoing employment with the ECQ, include:

- Campaigning for a political party or candidate at either Federal, State, Territory or Local elections for example, making media statements or attributable comments on the internet including social media, handing out how-to-vote material, or comments on talk back radio;
- Standing as a candidate at either Federal, State, Territory or Local elections;
- Being a member of a political party in a State, Territory or the Commonwealth;
- Public support for, or opposition to, a political party, candidate or a political position in respect of an issue currently before the electorate, e.g. writing letters to the editor, comments on talk back radio, attend political events, publish comments or material online including social media or making other publicly available comments of political views;
- Activities which could be interpreted by a reasonable person as publicly supporting or opposing a particular political party or candidate, e.g. regular public appearances or association with a political party or a candidate for election;
- Close relationship with members or staff of a political party, candidates, official agents or members of parliament;
- Working for a political party, candidate, official agent, lobbyist or member of parliament on a paid or voluntary basis.

The following are examples of situations where political neutrality is not necessarily compromised, noting that any actual, potential or perceived conflicts of interest must still be addressed and appropriately managed through applying the ECQ's Conflict of Interests Policy:

- Membership of professional association supporting or opposing the policies of political parties, or
- Trade union membership or activity, provided the activity is not of a political nature.

## Roles and responsibilities

The Electoral Commissioner, Assistant Electoral Commissioner, Executive Directors, Directors and Managers must ensure that the ECQ's workplace culture, practices and systems, including recruitment and selection and promotion, operate consistently in compliance with this policy.

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## Delegations

Refer to the ECQ Human Resource Management Delegations for the appropriate delegations relating to this policy.

## Appendix 1 — Definitions

### Definitions

Term	Definition	Reference (if applic.)
<b>Member of political party</b>	A person who is a member of the political party or a related political party.	<i>Electoral Act 1992</i> , section 2
<b>Political neutrality</b>	Political neutrality is a constitutional convention which provides that public servants should avoid activities likely to impair, or seem to impair, their political impartiality of the public service.	
<b>Political party</b>	An organisation whose object, or 1 of whose objects, is the promotion of the election to the Legislative Assembly of a candidate or candidates endorsed by it or by a body or organisation of which it forms a part.	<i>Electoral Act 1992</i> , section 2
<b>Public Interest</b>	Public interest is a common concern among citizens in the management and affairs of government. It does not mean mere curiosity but is a broad term that refers to the body politic and how citizens may have governmental influence.	
<b>Responsible government</b>	Responsible government was established in Queensland by the Letters Patent and Orders-in-Council creating the colony on 10 December 1859 and allowing for the Constitution of a Legislative Council, a Legislative Assembly and an Executive Council to advise and assist the Governor.	<a href="#">The Executive Government of Queensland</a> , Department of the Premier and Cabinet
<b>Westminster conventions</b>	Queensland's Constitution Acts are supplemented by Westminster conventions developed over centuries of parliamentary existence that include the doctrine of the separation of powers; codified constitutional structures and other limitations for executive and legislative institutional arrangements.	

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## Appendix 2 — Regulatory Framework

### Regulatory framework

- [Constitution Act 1867](#)
- [Constitution of Queensland 2001](#)
- [Electoral Act 1992](#)
- [Imperial Acts Application Act 1984](#)
- [Local Government Electoral Act 2011](#)
- [Parliament of Queensland Act 2001](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)
- [Referendums Act 1997](#)
- [Statute of Westminster Adoption Act 1942 \(Commonwealth\)](#)
- [Code of Conduct for the Queensland Public Service](#)