

Political Neutrality Policy

Version 2.0

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 of Queensland | February 2019 |
| 2.0A | Review | Senior Human Resources Officer | April 2022 |
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Review

This policy will be reviewed **every three (3) years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary.

1. Purpose

This policy outlines the political neutrality obligations of all staff engaged by the Electoral Commission of Queensland (ECQ). This policy also helps job applicants to self-assess as to whether they are precluded from employment with the ECQ based on their political activity.

2. Scope

This policy applies to all prospective and existing staff of ECQ whether:

- permanent, fixed term temporary, full-time, part-time, casual or contractor, and
- all temporary election staff, including Returning Officers and Assistant Returning Officers

For the political neutrality requirements for suppliers, refer to the ECQ's *Confidentiality, Privacy and Conflict of Interest Deed*.

3. Rationale

The [Code of Conduct for the Queensland Public Service \(2011\)](#) is underpinned by 4 ethics principles. The [Public Sector Ethics Act 1994](#) affirms these principles which, in conjunction with Westminster conventions of democratic parliamentary government, are fundamental to good public administration.

The principles are:

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

The Code of Conduct provides standards of conduct for each principle. ECQ employees are expected to adhere to these standards while serving the Queensland community. 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 political associations and interests where these may be in conflict with the purpose of this policy
- avoid personal behaviour which could bring the conduct of elections into disrepute
- be politically non-partisan, personally impartial to the electoral outcome, uninfluenced by improper considerations
- avoid patronage, favouritism and unjustified discrimination
- not undermine public confidence in the system of government.¹

¹ 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.

3. Guiding Principles

3.1 Compliance with legislation

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](#). It is the duty of the ECQ to ensure its functions are performed independently, impartially, and apolitically by delivering elections that comply with electoral laws.

Further, under the *Electoral Act*, roles such as that of a Commissioner, Returning Officer or Assistant Returning Officer, cannot be filled by persons who are a member of a political party.

Ensuring the ECQ is and appears to be independent, non-partisan and politically neutral, is fundamental to maintaining public confidence in the functions it performs.

3.2 Queensland public service principles

In accordance with Section 26 of the [Public Service Act 2008](#), an ECQ employee's work performance and personal conduct must be directed to:

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

4. Policy

4.1 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. It is essential that ECQ staff are, and are seen to be, politically neutral in the performance of the ECQ's statutory functions and their associated duties.

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.

4.2 Persons active or who have been active in political activities may be perceived to compromise the ECQ's impartiality and independence. All prospective staff are therefore required to declare any political activity and/or conflict of interest prior to engagement.

4.3 Meeting the political neutrality and/or conflict of interest requirement

4.3.1 A conflict of interest occurs, or may be seen to occur, if an employee's personal interests or past activities conflict with their public duties or make it difficult for them to perform their public duties, impartially in the public interest and in a politically neutral manner. Any actual, potential or perceived conflict of interest must be addressed through the ECQ's Conflict of Interests Policy.

4.3.2 While a person's own circumstances will be addressed according to the relevant facts, some examples of past or present activities that may be interpreted as conflicting with an employee's public duties and/or affecting their political neutrality, which 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 government elections, by 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 government 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, making comments on talk back radio, attending political events, publishing 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 that would, to a reasonable person, give rise to a perception of bias or favouritism in the conduct of official ECQ duties;
- Working for a political party, candidate, official agent, lobbyist or member of parliament on a paid or voluntary basis.

4.3.3 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 partisan political nature.

5. Roles and responsibilities

- 5.1 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.
- 5.2 All staff are required to act in a manner that is not unfairly biased against or in favour of any particular parties, groups, candidates or other persons, bodies or organisations. Staff must immediately advise of any changes to their personal circumstances.

6. Delegations

Refer to the [ECQ's Human Resource Management Delegations](#) for the appropriate delegations relating to this policy.

Essential considerations

ECQ is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), ECQ has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. A human rights assessment of the implications of this Policy has been conducted which concludes it is compatible with human rights in accordance with section 13 of the *Human Rights Act*. A copy of this assessment is available on request by contacting humanresources@ecq.qld.gov.au.

Appendix 1 — Definitions

Definitions

| Term | Definition | Reference (if applic.) |
|----------------------------------|--|--|
| Member of political party | A person who is a member of the political party or a related political party. | <i>Electoral Act 1992</i> , Section 2 |
| Political neutrality | Political neutrality is a constitutional convention which provides public servants should avoid activities likely to impair, or seem to impair, their political impartiality of the public service. | |
| Political party | 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 |
| Public Interest | 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. | |
| Westminster conventions | 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. | |

Appendix 2 — Regulatory Framework

Regulatory framework

- [Constitution Act 1867](#)
- [Constitution of Queensland 2001](#)
- [Electoral Act 1992](#)
- [Human Rights 2019](#)
- [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](#)