

February 2025

# Political Neutrality Policy

**People Branch**

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# Purpose

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1. The Political Neutrality Policy (the Policy) establishes the political and issue neutrality requirements for 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.

# Scope

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3. This Policy applies to all employees engaged under Section 22 of the [Public Service Act 1999](#) (the PS Act), all employees engaged under Section 35 of the [Commonwealth Electoral Act 1918](#) (CEA), employees seconded to the AEC, Statutory Appointments, and contractors.
4. The AEC's Procurement Procedures must also be considered when considering the political and issue neutrality requirements for suppliers, including contractors provided to the AEC through a contracted agency (i.e. where no employment relationship exists).

# Definitions

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Term	Definition
<b>Contractor</b>	A person engaged via a labour hire or procurement arrangement <u>and</u> who is not engaged as an employee, as stipulated by the Act.
<b>Employee</b>	For the purpose of this Policy, a reference to an employee includes: <ul style="list-style-type: none"><li>• employees engaged under section 22 the Act;</li><li>• employees engaged under section 35 of the CEA;</li><li>• secondees;</li><li>• Statutory Appointments; and</li><li>• contractors.</li></ul>
<b>Issue</b>	Matters which are being debated or campaigned on by political parties in an election, by-election, Referendum or national plebiscite.
<b>Manager</b>	An employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may include a person referred to as a supervisor
<b>Political party</b>	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 (CEA definition).

# Principles

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5. The PS Act requires Australian Public Service (APS) employees to uphold the APS Values and Code of Conduct (the Code), including being apolitical and impartial, and taking reasonable steps to avoid conflicts of interest.
6. In the context of its statutory functions relating to the conduct of elections and referenda, the AEC and its employees must be, and must be seen to be, impartial and politically neutral.
7. 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.
8. To support this aim, all AEC recruitment advertising, selection criteria and position descriptions must include a statement of the political and issue neutrality requirement.
9. 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 in clauses 16-17 of the [AEC Enterprise Agreement 2024-2027](#) (the EA).
10. 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.
11. A copy of the ADKO form must be retained by the employee's work group.
12. 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.

## Meeting the requirement for political and issue neutrality in the AEC

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13. 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 are, and are seen to be, politically and issue neutral.

### Being politically neutral

14. 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/Territory or Local elections – e.g. media statements, handing out how-to-vote

material, attributable statements on social media/the Internet;

- standing as a candidate at either Federal, State/Territory, or Local 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 the person as 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.

15. 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

16. The points outlined above also apply to issue neutrality. As well as not showing support for, or opposition to, a political party, employees should not be seen to support, or oppose, topics being debated or campaigned for in a referendum or election.

17. Issue neutrality may be compromised by:

- making public comment about political or referendum issues;
- participating on social media about political or 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 in relation to an issue that is the subject of political debate;
- attending campaign rallies;
- attending independent rallies where a reasonable person could interpret this behaviour as aligning to a political party/referendum campaign stance on the same issue;
- being on a board or governing body of an organisation that proposes or considers taking a position on political or referendum issue, and not taking any appropriate actions in accordance with the Policy or the AEC Conflict of Interest Policy.

## Employees who resign to contest an election

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18. In certain circumstances, the PS Act (s32) and *Public Service Commissioner's Directions 2022* (PSCD) (s37) outline a right of return for employees who resigned as an APS employee in order to contest an election.

19. This includes an election for a member of a House of the Commonwealth or State parliament, ACT or NT legislative assembly, or the Torres Strait Regional Authority. It does not include local government elections.
20. Given the requirements of the Policy, and noting the application for re-engagement must be undertaken within 2 months of the result of the election, an employee will not be re-engaged in accordance with s32 of the PS Act, unless exceptional circumstances apply and are approved by the Electoral Commissioner.

## Not adhering with political and issue neutrality requirements

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21. Where an employee does not comply with the requirements of the Policy, 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.
22. For APS employees, alleged breaches of the Policy be managed in accordance with 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.
23. For temporary election workforce employees and contractors, alleged breaches of the Policy will be assessed on a case-by-basis and may result in termination of their employment for a breach of the terms and conditions of engagement under section 35 of the CEA or their contract of engagement.

## Responsibilities

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### Employees

24. Employees must:
  - maintain awareness and understanding of the Policy, including the implications of non-compliance;
  - consider their engagement in activities, either publicly or privately, that could impact their actual or perceived political and issue neutrality;
  - 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.

### Managers

25. Managers must:
  - maintain awareness and understanding of the Policy, how to enforce it, and the implications of non-compliance

- clearly communicate the importance of political and issue neutrality and ensure employees understand the Policy. This includes assisting employees navigate potential challenges, and seeking further guidance as necessary.
- role model political and issue neutrality and address any potential issues proactively.

## Policy administration

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### Privacy

26. The handling of information relating to any process undertaken through this Policy is subject to the provisions of the [Privacy Act 1988](#) and the relevant [Australian Privacy Principles](#). Information collected as part of the enforcement of this policy must be stored securely and access is restricted in accordance with the [AEC Privacy Policy](#).

### Who to contact

27. The Employee Relations team can 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, Code requirements and/or termination of a person engaged under the CEA or other contracts of engagement.

### Legislation

[Commonwealth Electoral Act 1918](#)

[AEC Enterprise Agreement 2024-2027](#)

[Privacy Act 1988](#)

[Public Service Act 1999 \(Cth\)](#)

[Public Service Regulations 2023](#)

[Referendum \(Machinery Provisions\) Act 1984](#)

## Version control

Version	Last review	Action	Next review	Owner	Approved by
1.0	April 2016	Review of Policy	April 2017	PSB – ERSS	Electoral Commissioner
1.1	December 2016	Review for 2016-2019 EA	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	Assistant Commissioner, People Branch
1.5	February 2025	Review for 2024-2027 EA	February 2026	Director, Employee Relations and Operations	Director, Employee Relations and Operations