

## TEC political neutrality policy

The Tasmanian Electoral Commission (TEC) is an independent statutory body, with responsibility to provide independent, impartial and high-quality electoral services to the people of Tasmania. As part of working for the TEC, staff agree

**they will:**

- » be impartial
- » uphold our independence
- » be accurate
- » be transparent
- » comply with electoral law

**they will not:**

- » comment on political matters
- » hide errors

One of the ways the TEC maintains its integrity is by ensuring that employees are, and are seen to be, politically neutral. The Anti-Discrimination Commissioner has granted the TEC an exemption under the *Anti-Discrimination Act 1998*, giving it discretion to only employ people it determines to be politically neutral.

This document explains the TEC's political neutrality policy that applies to employees.

### TEC responsibilities

In accordance with the TEC's values, the TEC will deal with questions or issues affecting political neutrality in a fair, open and transparent manner. All TEC recruitment advertising, selection criteria and position descriptions will include a statement of the political neutrality requirement.

TEC staff responsible for recruitment must be aware of this policy and its application, including in relation to recruitment and the implications of non-compliance with these obligations.

All prospective and existing employees employed under the *State Service Act 2000* are required to complete the political neutrality declaration form. If at any stage throughout their employment circumstances arise that may impact on political neutrality, these employees must immediately notify their manager. Employees will also be reminded of their obligations at their annual performance review.

All non-ongoing staff employed under the *Electoral Act 2004* will be required to complete the political neutrality declaration form prior to the confirmation of any and all future offers of employment that may be made from time to time.

The TEC is to make this Policy available for public view on its website and via hardcopy on request.

## Information to be disclosed

In line with the exemption provided by the Anti-Discrimination Commissioner, prospective and current employees will be asked the following questions:

1. Are you or have you been in the last five years:
  - a member of any political party anywhere in Australia?
  - a Member of Parliament or a local government councillor, or a candidate in any State, Federal or local government election?
  - engaged in activity or employment that supports the aims of a:
    - political party,
    - Member of Parliament or a local government councillor in any part of Australia, or
    - candidate in any State, Federal or local government election?
2. Are you, or have you previously publicly engaged in conduct promoting a political position in respect of a current political issue (including participating in social media messaging/commentary of a political nature)?
3. Are you or have you been a member of a lobby group (not being a union or professional association) that promotes a political position for an issue currently before the electorate?

The form will also ask the applicant to volunteer any information outside these questions that should be considered when assessing their political neutrality.

Some examples of activities that may be interpreted as conflicting with political neutrality, include:

- » letters to the editor of a political nature,
- » social media posts and comments on public social pages, of a political nature
- » doorknocking or distributing electoral material or displaying political advertising on your property,
- » donations of money, time or goods to political parties, candidates or lobby groups, and
- » employment by a party, member or candidate.

## Assessment of information provided in declaration

Appendix B is a reference tool that provides a summary for each permanent, fixed term and non-ongoing position that includes:

- » the responsibilities of the position,
- » the level of potential influence of the position
- » the assessment officer responsible for undertaking the initial assessment, and
- » the review officer if the matter is escalated.

The following processes will be undertaken by the TEC in assessing each declaration:

1. If no issues of concern have been declared on the form, the assessment officer is to notate the form to this effect and retain it on file in a manner determined by the Electoral Commissioner.

2. If the form includes issues of concern, the assessment officer may request further information of the matter raised and set a timeframe for that information to be provided (communication may be via a phone call or an email). If satisfied by the additional information, the assessment officer will then record the details and the decision, advise the person of that decision and complete the process of acceptance listed above in point 1.
3. If the assessment officer is of the view that the person has provided information that may impact their political neutrality, they are to escalate the matter to the review officer. This initial assessment should include the reasons for the decision to escalate, including why the information provided may be considered to impact on the applicant's political neutrality and how the information relates to the particular role.
4. The review officer is to consider the initial assessment together with any additional information received, and either agree or reject it. The review officer may seek further information from the person before making a final decision. The decision may be that:
  - » the person is suitable for employment in the role,
  - » the person is not suitable for the particular role but may be for another role,
  - » the person is suitable for the role but under different conditions, or
  - » the person is not suitable for any role
5. If the view of the review officer is that a person applying for a non-ongoing position should not be employed in any capacity, the assessment will be forwarded to the Electoral Commissioner for their review before making a final decision and informing the individual. Where this applies to a permanent or fixed-term employee, the assessment will be forwarded to the members of the Commission for their review before making a final decision.
6. If the decision is made that a person is not considered suitable for the role they have applied for, the person is to be informed of their right to complain, as outlined below. The decision will be communicated in a timely manner to the applicant.

While each person's circumstances will be dealt with according to the relevant facts:

- » if they have engaged in any activities as described in the first question above, it is likely to require immediate escalation to the Electoral Commissioner / Commission for review.
- » activities relating to the later questions will be considered in the context of:
  - the position applied for,
  - the nature of the activity or association and its potential to compromise independence and impartiality, and
  - when the activity took place.

If any applicant for employment or current staff member is aggrieved by a decision made in accordance with this policy, they may make a complaint to the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1998* or to the Human Rights Commission under the *Australian Human Rights Commission Act 1986* within 12 months. Further information can be found at [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au) and [www.humanrights.gov.au](http://www.humanrights.gov.au) .

## Appendix A

### 2021 Anti-Discrimination Act 1998. Anti-Discrimination Commissioner, Tasmania EXEMPTION GRANTED

The following application for exemption from the provisions of the *Anti-Discrimination Act 1998* (Tas) (the Act) has been granted.

Tasmanian Electoral Commission – 20/09/070 – Application for an exemption granted under section 57 of the Act for a period of three (3) years.

1. *This exemption is granted to enable the Tasmanian Electoral Commission (TEC) to request and consider information pertaining to the following criteria in determining whether or not a person should be: employed or appointed as a member of staff with the TEC; appointed as a returning officer or election official under section 24 or 26 of the Electoral Act 2004 (Tas); or engaged as a contractor:*
  - (a) *Current membership, or membership within the past 5 years, of any political party in any State or Territory or the Commonwealth.*
  - (b) *A course of conduct within the past 5 years directed to supporting the aims of a political party or an independent candidate in a State, Territory or Federal election.*
  - (c) *A person who has held the office of councillor for a Tasmanian local council within the past 5 years.*
  - (d) *A course of conduct within the past 5 years directed towards supporting the political aims of a local councillor.*
  - (e) *A person who has publicly engaged in conduct promoting a political position in respect of an issue currently before the electorate in the election for which that person is to be employed.*
  - (f) *A person who is a member of a lobby group (not being a union or professional association) which promotes a political position in respect of an issue currently before the electorate in the election for which that person is to be employed.*

For further information refer to: [www.equalopportunity.tas.gov.au/current\\_exemptions](http://www.equalopportunity.tas.gov.au/current_exemptions).

Granted on the 6<sup>th</sup> day of January 2021.

Conditions of the exemption

- (a) *Provide all prospective and current employees with:*
  - (i) *notice that they may be adversely affected by the exemption;*
  - (ii) *a reasonable explanation in plain English of the nature of the exemption; and*
  - (iii) *information regarding their rights under the Anti-Discrimination Act 1998 (Tas) and Australian Human Rights Commission Act 1986 (Cth), and, in particular, the complaints procedure under those Acts and the rights of aggrieved persons to make complaints under those Acts.*
- (b) *Within 12 months of the date this order is made, arrange for all current TEC staff to undertake a one hour free discrimination information session provided by Equal Opportunity Tasmania.*
- (c) *Provide to the applicant's contractors:*
  - (i) *notice that the contractor's employees and prospective employees may be adversely affected by the exemption;*
  - (ii) *a document containing a reasonable explanation in plain English of the nature of this exemption order that the contractor may provide to the contractor's employees and prospective employees; and*
  - (iii) *guidance to enable the contractor to conduct training in anti-discrimination.*

SARAH BOLT, Anti-Discrimination Commissioner

## Appendix B

### Reference tool

Employment Position	Level of Responsibility	Level of influence	Role	Initial assessment	Review Officer
<b>Employment under State Service Act 2000</b>					
Commission Chair	All powers under <i>Electoral Act 2004</i>	Very High	Statutory	Government	Statutory process
Commission Member	All powers under <i>Electoral Act 2004</i>	Very High	Statutory	Government	Statutory process
Electoral Commissioner	All powers under <i>Electoral Act 2004</i>	Very High	Statutory	Government	Statutory process
Deputy Electoral Commissioner	All powers under <i>Electoral Act 2004</i> (in EC absence)	Very High	Statutory	Government	Statutory process
Manager IT and Cyber Security	Management of all IT accesses and restrictions	Very High	Impact on provision of election services	EC/DEC	Commission
Senior Systems Administrator	Administration of systems access	Very High	Impact on provision of election services	EC/DEC	Commission
Senior Policy Officer	High level research and advice to Commission / candidates / electors	High	Regarding complaints and prosecution	EC/DEC	Commission
Communications Manager	Management and control of all TEC messaging and communications	High	Advertising / Social media management	EC/DEC	Commission
ICT Officer	Administration of systems access	High	Impact on provision of election services	EC/DEC	Commission
Operations Manager	Recommendation of polling locations / awarding of materials and printing contracts	High	Oversite and high-level operations	EC/DEC	Commission

<b>Employment Position</b>	<b>Level of Responsibility</b>	<b>Level of influence</b>	<b>Role</b>	<b>Initial assessment</b>	<b>Review Officer</b>
Elections Co-Ordinator	Selection and appointment of casual staff / returning officer duties	High	Coordination of ROs	EC/DEC	Commission
Policy and Program Officer	Medium level research and advice to Commission / candidates / electors	Medium	Regarding complaints and prosecution/party register/phone complaints	EC/DEC	Commission
Information Officer	Management of results system coding and web posting of results	Medium	Impact on the publication of figures	EC/DEC	Commission
Administration Support Officer	Mail administration / call centre information direction / email responses	Medium	Phone queries and complaints	EC/DEC	Commission
Elections Officer	Selection of casual staff / RO for small non-stat elections / oversight of postal voting	Medium	Management of non-ongoing staff and sensitive materials	EC/DEC	Commission
Design and Communications Officer	Management of media releases / production of training materials	Low		EC/DEC	Commission
Finance Officer	Management of all monies in and out / budget management	Low	Financial management/ accounting of TEC	EC/DEC	Commission
<b>Appointments under ss 24, 25 &amp; 26 of Electoral Act 2004</b>					
<b>Non-ongoing positions</b>					
<b>TEC Office</b>					
TEC Office Casual - Operations	Collation of materials / proofing of BPs & statements / access to employee personal info	Medium	Access to employee personal information	Operations Manager	EC/DEC

Employment Position	Level of Responsibility	Level of influence	Role	Initial assessment	Review Officer
Postal Issuing - Supervisor	Management of postal voting issuing & audit / access to elector data incl. silent electors	Medium	Access to elector data / access to silent elector data	Operations Manager	EC/DEC
Postal Issuing - Casual	Postal voting processing / access to elector data	Medium	Access to elector data	Operations Manager	EC/DEC
TEC Office Casual (Supervisor) - Operations	Oversight of casual staff / access to employee personal information and elector data	Low	Access to employee personal information and elector data	Elections Co-Ordinator	EC/DEC
TEC Office Casual (Supervisor) - IT	Oversight of casual staff / access to elector data	Low	Access to elector data	Manager IT & Cyber Security	EC/DEC
TEC Office Casual - IT	Access to elector data / imaging / wiping of electoral rolls to netbooks	Low	Access to elector data	Manager IT & Cyber Security	EC/DEC
TEC Office Casual - Call Centre	Access to RMANs elector data / provision of scripted information	Low	Access to RMANs elector data	Communications Manager	EC/DEC
TEC Office Casual - Finance	Processing of and access to employee personal data and pays / access to elector data	Low	Processing & access to employee personal data & pays / access to elector data	Finance Officer	EC/DEC
<b>Election Office</b>					
Parliamentary Returning Officer	All delegated powers under <i>Electoral Act 2004</i> / decision making on formality of ballot papers / drawing of ballot paper order / declaration of poll	Very High		EC/DEC	Commission
Parliamentary Assistant Returning Officer	Influence on casual employment selection / management of petty cash	High		EC/DEC	Commission

Employment Position	Level of Responsibility	Level of influence	Role	Initial assessment	Review Officer
Local Government Returning Officer	All delegated powers under <i>Local Government Act 1993</i> / decision making on formality of ballot papers / drawing of ballot paper order / declaration of poll	Very High		Operations Manager/DEC	EC
Local Government Assistant Returning Officer	Influence on casual employment selection / management of petty cash	High		Operations Manager /DEC	EC
ROM Supervisor	Responsibility of receipt, secure movement and storage of ballot papers / management of electronic roll data on netbooks / management of a range of staff including under 18s	High		Operations Manager	EC/DEC
Postal Returns Supervisor	Management of postal voting return & balancing / access to elector data	Medium		Operations Manager	EC/DEC
Election Office Casual	Access to employee personal information	Low		Elections Co-Ordinator	EC/DEC
Postal Returns Casual	Postal voting processing / access to elector data	Low		Elections Co-Ordinator	EC/DEC
Delivery Driver / Assistant	Designated driver of TEC hired vehicle / use of fuel card / access to unattended polling premises	Low		Elections Co-Ordinator	EC/DEC
Trainer	Provision of scripted training	Low		Communications Manager	EC/DEC
Scrutiny Supervisor	Management of a range of staff / interaction with scrutineers / management of ballot papers	Low		Elections Co-Ordinator	EC/DEC

Employment Position	Level of Responsibility	Level of influence	Role	Initial assessment	Review Officer
ROM Casual	Potential access to electronic roll data	Low		Elections Co-Ordinator	EC/DEC
<b>Polling Places</b>					
Polling Manager	Management of a range of staff / responsibility for ballot papers and netbook rolls / responsibility for polling place initial results	High	Responsibility for ballot papers and netbook rolls	Operations Manager	EC/DEC
Second In Charge	Management of a range of staff / access to ballot papers and netbook rolls / assistance with scrutiny and polling place initial results	Medium	Access to ballot papers and netbook rolls	Elections Co-Ordinator	EC/DEC
PPLO	Responsibility ballot paper stock and netbooks / oversight of polling place management	Medium		Elections Co-Ordinator	EC/DEC
Declaration/Information Officer	Ensure compliant declaration issuing / Dec Return management / access to elector data / scrutiny team member	Medium		Elections Co-Ordinator	EC/DEC
Ordinary Issuing Officer	Access to elector data / management of allocated ballot paper stock / part of scrutiny team	Medium		Elections Co-Ordinator	EC/DEC
Scrutiny Assistant	Handling of ballot papers / observed by scrutineers	Low		Elections Co-Ordinator	EC/DEC

## Key to levels of influence and potential breaches

Level	Impact	Possible breach
Very High	Position of authority - massive impact on integrity	Any political comment or action that can be considered biased or a compromise of the position's duties
High	Position of control of critical electoral element (bps, communications, complaints)	A political comment or action relating to the election or that can be to compromise the position's duties
Medium	Position of control of smaller electoral services interactions	A political comment or action relating to the election or that can be to compromise the position's duties
Low	Position involved in electoral services under strong audit or supervision.	A political comment or action relating to the election or that can be to compromise the position's duties