

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 its staff 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 requirement for political neutrality.

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.

Any person who is aggrieved by a decision of the TEC in relation to the application of the exemption 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 and www.humanrights.gov.au.

Appendix A

Exemption granted by Anti-discrimination Commissioner on 6 January 2021

The 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.*
- 2. For the Tasmanian Electoral Commission to take the benefit of the exemption it must:*
- 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.*

1. This exemption is to remain in force until 3 years from the date granted.