



CHIEF MINISTER'S DEPARTMENT

Guidelines for ACT Public Service Employee Conduct during the Federal Government Election Period

It is important that ACT Public Service (ACTPS) employees uphold the values and principles prescribed in legislation at all times. It is timely, given the impending Federal Government Election, to remind all ACTPS employees of their obligations.

The values and principles for ACTPS employees are:

- service to the public;
- responsiveness to the government and the needs of the public;
- accountability to the government;
- fairness and integrity; and
- efficiency and effectiveness.

The general obligations of ACTPS employees are found in section 9 of the [Public Sector Management Act 1994](#) (PSM Act).

Political participation

ACTPS employees have the same rights as other members of the community to engage in political debate and activity, except where these activities impact adversely on their ability to perform their official duties to the standard outlined in the PSM Act.

For example, ACTPS employees must ensure that their participation in political matters such as electioneering on behalf of a political candidate does not bring them into conflict with their duty as public servants to act in a politically neutral manner. This includes the receipt and distribution of political material and/or posting of electioneering material on workplace noticeboards.

Fund Raising and Canvassing

Where an ACTPS employee chooses to become involved in campaigning for candidates for political office (e.g. by handing out how-to-vote information on polling day) they should avoid giving any impression that such activities are undertaken other than in a private capacity. For example, they should not wear an ACT Public Service uniform or display work related material.

Wearing of Party Political Badges, or Other Display of Political Material

ACTPS employees need to be careful at all times about expressions of political opinion in the workplace, including the wearing of badges and the displaying of political material. ACTPS employees should be aware of their responsibility to contribute to a harmonious working environment and the

display of political material while on duty has the potential to disrupt those relationships.

Where an ACTPS employee's duties involve public contact, the displaying of political material while on duty is inappropriate as this may create the impression of official endorsement of the political material or, in some circumstances, create doubt as to whether certain matters are being dealt with in a politically neutral manner.

The display of political material in the workplace is a particularly sensitive issue in a pre election period, and should be avoided, even by ACTPS employees whose duties do not involve public contact.

Use of Official Facilities and Equipment

Where ACTPS employees participate in campaigning for candidates for political office, they should ensure that no use is made of official facilities for promotion of any political party. The use of official facilities includes use of meeting rooms for political meetings, the use of government telephones, facsimile machines, e-mail, computers and photocopiers. Any electioneering activity during work hours or other political activity that involves expense to an agency may constitute a breach of the section 9 of the PSM Act.

Elements of employee obligations that are particularly important in a pre election period include:

- the requirement to act impartially; and
- the requirement, where an employee has an interest that could conflict, or appear to conflict, with the proper performance of his or her duties, to disclose the interest and take reasonable action to avoid the conflict.

Caretaker Periods

A Caretaker period is the period that commences immediately after an election is called and extends up to the point at which a new government is sworn in. Following the dissolution of parliament, the government of the day assumes a 'caretaker' role and avoids taking major policy decisions, making significant appointments or entering into major undertakings or contracts. However, a caretaker period for the Federal election is unlikely to impact significantly on the day to day duties and responsibilities of any ACTPS employee.

Procedures for Contesting Federal Government Elections

Any ACTPS employee who is standing for a seat in the House of Representatives or the Senate should follow the procedures set out below.

Please note that the procedures outlined below are intended to be a guide, and that candidates should seek their own independent advice in relation to candidature, point of resignation and applicable leave provisions.

In addition, the Australian Electoral Commission provides a Candidate's handbook which contains essential information for candidates standing for election for the Senate and the House of Representatives.

(i) Legislative requirements

The Australian Electoral Commission advises that a person cannot nominate for the Senate or the House of Representatives if they:

- are currently a member of a state or territory parliament and have not resigned before the hour of nomination; or
- are disqualified by section 44 (iv) of the *Commonwealth of Australia Constitution Act* and have not remedied that disqualification before the hour of nomination.

Please note that there may be additional legislative requirements for candidates for the Senate or the House of Representatives. Employees of the ACTPS are advised to obtain independent legal advice if they are in any doubt whether the provisions of the above Acts apply to them.

(ii) Resignation from the ACTPS

An ACTPS employee must first resign from the ACT public sector before nominating as a candidate in the Federal election. Temporary employees, including executive contract officers, employed on a contract of employment are also required to resign and should consider the provisions of their contract regarding resignation.

(iii) Re-appointment of unsuccessful election candidates

There are special provisions in the PSM Act and Public Sector Management Standards that allow for an election candidate who is unsuccessful in being elected to apply to either the Commissioner for Public Administration or the relevant Chief Executive to be re-employed in or re-appointed to the ACTPS.

To be re-employed or re-appointed **under sections 111 or 118 of the PSM Act**, the former ACTPS employee must have resigned ***no earlier than six months before nominations for the election closed***, and applied for re-employment or re-appointment ***no later than two months after the election result has been declared***.

In addition, a person who is a former ACTPS employee shall not be re-employed or re-appointed until after the official declaration of the result of the election within the electorate, which he or she has unsuccessfully contested.