

Policy

Political Matters and DECD Schools and Preschools

Please note this policy is mandatory and staff are required to adhere to the content

This document is currently under review. Please direct any queries regarding this document to the policy officer listed in Table 1.

DECD 13/5496

Summary

This policy outlines the legal and ethical obligations of DECD staff in relation to political matters on DECD sites, and is based on the fundamental principle of political neutrality in the public sector.

Table 1 - Document details

Publication date	21/08/2013
Review date	01/08/2015
Related legislation/applicable section of legislation	Public Sector Act 2009 Public Sector (Honesty and Accountability) Act 1995 Electoral Act 1985
Related policies, procedures, guidelines, standards, frameworks	Code of Ethics for the South Australian Public Sector Constitution of Australia
Replaces	Political matters and DECS schools/preschools 2009
Policy officer (position)	Senior Policy Adviser, Office for Education
Policy officer (phone)	8226 3308
Policy sponsor (position)	Director, Operations, Office for Education
Executive director responsible (position and office)	Executive Director, Preschool and School Improvement, Office for Education
Applies to	All DECD staff
Key words	Political; Matters; Election; MP; Candidate; Polling; Parliament
Status	Approved
Approved by	Chief Executive
Approval date	21/08/2013
Version	1.2

Table 2 - Revision record

Date	Version	Revision description
21/08/2013	1.0	
28/11/2013	1.1	5.7 Use of Premises for Polling Purposes – now includes Electoral Commission of South Australia. Additional reference to Electoral Act 1985.
25/11/2014	1.2	5.5 Visits by Members of Parliament or Non-Elected Local Candidates – update to notification procedure and template.



Policy ID no 13/5496

POLITICAL MATTERS AND DECD SCHOOLS AND PRESCHOOLS

This policy is applicable to: all DECD employees.

DOCUMENT CONTROL

Managed by: Office for Education	Responsible position: Executive Director, Preschool and School Improvement	Version: 1.2
Contact person: Kym Tidswell	Approved by: Chief Executive	File number: DECD13/5496
Contact position: Senior Policy Adviser	Date approved: August 2013	Status: Approved
Contact number: 8226 3308	Next review date: August 2015	Security classification: Unclassified

CONTENTS

1. TITLE	3
2. POLICY STATEMENT	3
3. SCOPE	3
4. OBJECTIVE	3
5. POLICY DETAILS	3
5.1 Personal Statements	3
5.2 Discussion of Political Issues with Students	3
5.3 Use of Equipment, Materials and Information	3
5.4 Request by Political Parties or Members of Parliament for Information	3
5.5 Visits by Members of Parliament or Non-Elected Local Candidates	4
5.6 Use of Premises by Political Groups	4
5.7 Use of Premises for Polling Purposes	4
5.8 Employees Contesting an Election	4
6. ASSOCIATED DOCUMENTS	4
7. REFERENCES	5
APPENDIX 1 – Notification of DECD site visit	

REVISION RECORD

Date	Version	Revision description
21/8/13	1.0	
28/11/13	1.1	5.7 Use of Premises for Polling Purposes – now includes Electoral Commission of South Australia. Additional reference to Electoral Act 1985.
25/11/14	1.2	5.5 Visits by Members of Parliament or Non-Elected Local Candidates – update to notification procedure and template.

1. TITLE

Political Matters and DECD Schools and Preschools

2. POLICY STATEMENT

This policy outlines the legal and ethical obligations of Department for Education and Child Development (DECD) staff in relation to political matters on DECD sites, and is based on the fundamental principle of political neutrality in the public sector.

3. SCOPE

This policy applies to all Department for Education and Child Development staff including corporate and regional offices, and all schools and preschools.

4. OBJECTIVE

To ensure that all staff comply with their obligations under the *Public Sector Act 2009*, *Public Sector (Honesty and Accountability) Act 1995*, any subordinate regulations, and the Code of Ethics for the South Australian Public Sector.

5. POLICY DETAILS

5.1 Personal Statements

It is important that employees do not use their position to advocate for any political party or view. This extends to employees using their position to assist or facilitate a political party, lobby group or vested interest in utilising DECD facilities and resources or gaining access to DECD employees or related persons, e.g. parents or students.

5.2 Discussion of Political Issues with Students

Discussion of political issues with students should always be driven by the educational program, not by partisan groups or individuals. A balanced view must always be presented to students.

5.3 Use of Equipment, Materials and Information

Departmental equipment and materials are not to be used for the promotion of a political party, candidate or lobby group and the distribution or display by any means, including email of material for a party, candidate or lobby group is not permitted on departmental sites. Political information is not to be forwarded to parents via children.

Information acquired as a result of work cannot be used for non-work related purposes.

5.4 Request by Political Parties or Members of Parliament for Information

The Commissioner for Public Sector Employment Guideline: Requests by Members of Parliament for Briefings, provides guidance for situations where Members of Parliament request information from public servants, which is not publicly available. The same practice applies to requests made to all DECD employees.

Political parties, candidates or members of parliament requesting information that is not freely available publicly should be advised to seek such information from the responsible Minister. The Chief Executive is to be advised of the request.

5.5 Visits by Members of Parliament or Non-Elected Local Candidates

Members of Parliament are welcome at schools/preschools within their electorates at times convenient to the site and when it will not disrupt normal activities.

Timely and prior notification of any visits to DECD sites by Members of Parliament or candidates is to be given to the Office of the Chief Executive to allow appropriate protocols to be addressed. Appendix 1 – *Notification of DECD site visit* must be completed and returned to the Office of the Chief Executive. Site visits must not be for political or campaign purposes, including the distribution or promotion of party political or candidate specific material. If site leaders are approached directly, they must immediately contact the Office of the Chief Executive.

5.6 Use of Premises by Political Groups

School and preschool premises may be hired out to political groups for meetings. The site governing body should not hire premises if it is reasonably anticipated that a disturbance could occur arising from or in relation to the meeting.

It is important in agreeing to the use of premises that the purpose is appropriate and that the site cannot be seen by the community to be favouring a particular political party.

This does not prohibit the government of the day from visiting or utilising sites in carrying out its normal day-to-day government business.

5.7 Use of Premises for Polling Purposes

The Australian Electoral Commission (AEC) and the Electoral Commission of South Australia (ECSA) may use departmental sites for polling places for the election. Departmental sites must be made available if required for use as polling places during elections.

Should your site be required for this purpose, site leaders will be contacted directly to discuss the matter and make arrangements for access and delivery of materials.

Posters, banners and other party political material must not be displayed on departmental buildings, fences or any part of a site except on polling day if a site is used as a polling place.

5.8 Employees Contesting an Election

Employees are advised to note section 44(iv) of the Constitution of Australia that prevents any person who holds any "office of profit under the Crown" from being chosen or of sitting as a member of the Commonwealth Parliament. This includes State public sector employees. Consequently, an employee must resign prior to nomination as a candidate for election to the Commonwealth Parliament.

Section 66 of the *Public Sector Act 2009* provides that employees who so resign and who are not elected are entitled to be re-engaged as an employee at the same remuneration level. Employees should check their own employment conditions regarding reappointment.

Employees are advised to seek independent legal advice if considering contesting an election and the advice of the Executive Director, Human Resources and Workforce Development.

6. ASSOCIATED DOCUMENTS

Public Sector Act 2009

Public Sector (Honesty and Accountability) Act 1995

Electoral Act 1985
Code of Ethics for the South Australian Public Sector
Constitution of Australia

7. REFERENCES

Public Sector Act 2009

<http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

Public Sector (Honesty and Accountability) Act 1995

[http://www.legislation.sa.gov.au/LZ/C/A/Public%20Sector%20\(Honesty%20and%20Accountability\)%20Act%201995.aspx](http://www.legislation.sa.gov.au/LZ/C/A/Public%20Sector%20(Honesty%20and%20Accountability)%20Act%201995.aspx)

Electoral Act 1985

<http://www.legislation.sa.gov.au/LZ/C/A/Electoral%20Act%201985.aspx>

Code of Ethics for the South Australian Public Sector

http://www.oper.sa.gov.au/files/codeofethics_2012.pdf

Fact Sheet – Officers Contesting Elections

<http://www.oper.sa.gov.au/files/fact-sheet-officers-contestingv2.pdf>

Access by Members of Parliament to Information

<http://www.oper.sa.gov.au/files/requests-by-members-of-parliament-for-briefings.pdf>

http://www.oper.sa.gov.au/files/fact_sheet%20_access_to_ps.pdf

http://www.oper.sa.gov.au/files/Clarification%20of%20Commissioner%20_2_.pdf

The Australian Consitution

http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution

Notification of DECD site visit (Member of Parliament or non-elected Member)

Name of school or site	
Name of electorate	
Name and electorate of the MP <i>or</i> Candidate visiting the school	
Date and time	
Purpose of the visit	
Have you referred to the <i>DECD Political matters policy</i> ? http://www.decd.sa.gov.au/docs/documents/1/PoliticalMatters.pdf	
Does this visit comply with the policy? (<i>ie, is not for campaign or political purposes</i>)	

Contact details of the authorising contact at school or site:

Name:

Title:

Phone number:

Email address:

For inquiries please contact the Office of the Chief Executive, on 8226 1459 or decd.ce@sa.gov.au

Thank you for your cooperation.