

Policy

Political Matters and Department for Education Schools and Preschools

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

Summary

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

Table 1 - Document details

Publication date	October 2018
File number	DECD13/5496
Related legislation	<i>Education Regulations 2012</i> <i>Public Sector Act 2009</i> <i>Public Sector (Honesty and Accountability) Act 1995</i> <i>Electoral Act 1985</i>
Related policies, procedures, guidelines, standards, frameworks	Code of Ethics for the South Australian Public Sector
Version	1.5
Replaces	1.4
Policy officer (position)	Senior Policy Adviser
Policy officer (phone)	8207 1527
Policy sponsor (position)	Director, Operations
Executive director responsible (position and office)	Executive Director, Partnerships, Schools and Preschools
Applies to	All Department for Education staff
Key words	Political; Matters; Election; MP; Candidate; Polling; Parliament
Status	Approved
Approved by	Director, Operations, Partnerships, Schools and Preschools
Approval date	23 October 2018
Review date	1 August 2018

Table 2 - Revision record

Date	Version	Revision description
21/08/2013	1.0	
28/11/2013	1.1	Minor edits- 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	Minor edits- 5.5 Visits by Members of Parliament or Non-Elected Local Candidates – update to notification procedure and template.
04/12/2015	1.3	Minor edits- updated template and hyperlinks.
06/07/2017	1.4	Minor edits- updated template and hyperlinks.
23 October 2018	1.5	Minor edits – update of CEO email address and department title.

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1. Title

Political Matters and Department for Education Schools and Preschools

2. Purpose

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

It supports all staff to 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.

3. Scope

This policy applies to all department staff including corporate and education offices, and all schools and preschools.

4. Policy detail

4.1 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 department facilities and resources or gaining access to department employees or related persons, eg parents or students.

4.2 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.

4.3 Use of Equipment, Materials and Information

Department 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 department 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.

4.4 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 department employees.

Political parties, Members of Parliament or candidates 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.

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

Members of Parliament are welcome at schools and 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 department 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 Department for Education 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.

4.6 Use of Premises by Political Groups

School and preschool premises may be hired out to political groups for meetings in accordance with Education Regulation 4. 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.

4.7 Use of Premises for Polling Purposes

The Australian Electoral Commission (AEC) and the Electoral Commission of South Australia (ECSA) may use department sites for polling places for an election. Department sites must be made available if required for use as polling places during elections, as per Section 18 of the *Electoral Act 1985*.

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 department buildings, fences or any part of a site except on polling day if a site is used as a polling place.

4.8 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, People and Culture.

5. Roles and responsibilities

Table 3 - Roles and responsibilities

Role	Authority/responsibility for
Executive Director, Partnerships, Schools and Preschools	Responsible for ensuring site leaders are aware and comply with the requirements of this policy.
Site leaders (principals and preschool directors)	Responsible for the timely and prior notification of any visits to department sites by Members of Parliament or candidates, to the Office of the Chief Executive. Responsible for complying with the requirements of this policy. Authority to grant the use of school premises to organisations not connected with the school, in accordance with Education Regulation 4 and in conjunction with this policy.
All department staff	Responsible for complying with the requirements of this policy.

6. Monitoring, evaluation and review

This policy will be monitored by the Partnerships, Schools and Preschools division.

This policy will be reviewed annually.

7. Definitions and abbreviations

Table 4 - Definitions and abbreviations

Term	Meaning
Candidate	A candidate seeking election to either the Parliament of South Australia or the Parliament of Australia.
MP	Elected Member of either the Parliament of South Australia or the Parliament of Australia.
AEC / ECSA	Australian Electoral Commission / Electoral Commission of South Australia – the independent agencies responsible for conducting elections.

8. Supporting documents

[*Education Regulations 2012*](#)

[*Public Sector \(Honesty and Accountability\) Act 1995*](#)

[*Electoral Act 1985*](#)

[Code of Ethics for the South Australian Public Sector](#)

[The Australian Constitution](#)

[Community Use of School Facilities Instructions and Templates](#)

9. References

[*Public Sector Act 2009*](#)

[*Public Sector \(Honesty and Accountability\) Act 1995*](#)

[*Electoral Act 1985*](#)

[Code of Ethics for the South Australian Public Sector](#)

[Fact Sheet – Officers Contesting Elections](#)

[Access by Members of Parliament to Information](#)

[The Australian Constitution](#)

Appendix

1. Notification of Department for Education site visit form

Appendix 1: Notification of Department for Education site visit

(Member of Parliament or Candidate)

Name of site	
Name of electorate	
Name and electorate of the MP or Candidate visiting	
Date and time	
Purpose of the visit	
Have you referred to the Political matters and Department for Education Schools and Preschools policy?	
Does this visit comply with the policy? (<i>ie, is not for campaign or political purposes</i>)	

Contact details of the authorising contact at the school or preschool:

Name:

Title:

Phone number:

Email address:

For inquiries please contact the Office of the Chief Executive, on 8226 1540 or education.ce@sa.gov.au

Thank you for your cooperation.