

Circular 2020-18 | Guidance for public sector employees standing in local government elections



**Victorian
Public Sector
Commission**

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| Issue date: | 2 October 2020 |
| Application: | All Victorian public sector employees |
| Resources | <ul style="list-style-type: none">• Guidance During Election Periods• Victorian Public Sector Employees Standing for Elections FAQs |
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Key points

Local government elections will be held in Victoria by post in October 2020. Public sector employees who choose to participate in this democratic process must familiarise themselves with their obligations to maintain an apolitical public sector and under the Code of Conduct for Victorian Public Sector Employees (the Code of Conduct) and the analogous Code of Conduct for Victorian Public Sector Employees of Special Bodies.

The Code of Conduct sets out the standards of behaviour expected of public sector employees. It reinforces the core statutory public sector values of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights.

While the Code of Conduct applies at all times, election periods can give rise to situations where you may need to carefully consider your obligations. For instance, if you are standing for election in the upcoming local government elections, it is important that you address any actual, potential or perceived conflict of interest with your public sector employer. This includes ensuring that you do not engage in political activities during work time or use workplace facilities, resources or information for political activities.

Guidance and FAQs addressing public sector obligations in election periods is available on the Victorian Public Sector Commission website. If you are unsure about what the Code of Conduct means for you during an election period, you should speak with your manager or human resources unit.

Your obligations under the Code of Conduct assists to maintain the integrity of an apolitical public sector and to strengthen the community's trust in our organisations.

Updates

The Victorian Public Sector Commission (VPSC) has reviewed its existing resources in respect of local government elections. The following guidance and FAQs remain up to date and relevant:

- [Guidance During Election Periods](#)
- [Victorian Public Sector Employees Standing for Elections FAQs](#)

Requirements

Victorian public sector employees must be aware of the obligations that are placed upon them by the Code of Conduct.

The Code specifies the importance of being apolitical and this requirement is particularly relevant during election periods. The Code also specifies how to deal with conflicts of interest, limits the use of official information and resources and restricts the ability of a public sector employee to make public comment. An employee should be mindful of these requirements during election periods and when participating in an election by either campaigning or standing as a candidate.

Under section 61 of the Victorian Constitution, public sector employees cannot be



disqualified from standing for election by reason of their employment in the Victorian public sector.

The Charter of Human Rights and Responsibilities Act 2006 also gives employees the right to participate in public life, which includes the right to vote and to be elected at state and local government elections. The freedom of political activities as a candidate is not inhibited by the code. An employee, however, must ensure that they remain apolitical during the course of performing their public duties.

Public sector employees are not required to resign to contest a local government election or if elected. For an employee who is successfully elected, the obligations in the Code and the Victorian Constitution will continue to apply and employer consent should be obtained, in line with the Code, before the employee commences duties as a local government official. Local government councillors are also likely to have separate obligations that they will be responsible for managing, for example under the Local Government Act 1989 or other applicable policies.

It is critical that the public sector maintains the confidence of the Government, members of Parliament and the wider community at all times. This requirement is particularly important during the period leading up to and during an election.

Background

The Victorian Public Sector Commission first issued guidance to assist public sector employees comply with their obligations under the Code of Conduct for the June 2016 Federal Election. These materials were subsequently updated in April 2018 ahead of the Victorian State Government Election later that year.

Scope

This Circular applies to Victorian public sector employees. All Victorian public sector employees are encouraged to review the guidance and FAQs regardless of whether they are standing for election or actively campaigning.

Date of application

2 October 2020