

# Acknowledgement and declaration of key obligations

## Relevant legislation

- *Archives Act 1983*
- *Commonwealth Electoral Act 1918*
- *Crimes Act 1914*
- *Public Service Act 1999*
- *Criminal Code Act 1995*
- *Privacy Act 1988*
- *Work Health and Safety Act 2011*
- *Public Governance, Performance and Accountability Act 2013*

**Privacy statement:** *The information collected in this document will be used for the purpose of enabling the Australian Electoral Commission to carry out its responsibilities as an employer under the Public Service Act 1999, its Enterprise Agreement, the Fair Work Act 2009, and related Commonwealth employment legislation and taxation law. In addition, certain information is made available in a de-identified format to the APS Employment Database for reporting purposes*

## Acceptance declaration

*Initial each declaration*

\_\_\_\_\_ I acknowledge that, in recognition of the requirement for political neutrality by the Australian Electoral Commission (AEC), a condition of my engagement is to maintain political neutrality during the period of my engagement with the AEC.

\_\_\_\_\_ I understand that I am required to take reasonable steps to avoid any conflict of interest (real or apparent) in connection with my engagement with the AEC. I understand that this requires me to notify my manager/supervisor in a timely manner of any circumstance that may give rise to a real or apparent conflict of interest, including any other employment I may engage in.

\_\_\_\_\_ I declare that I am not currently publicly active in political affairs and do not intend to publicly engage in such activities during my engagement with the AEC. Should a situation arise during my engagement where I wish to publicly engage in political activities, or where there may be a perception that I am involved in political activities, I will discuss the matter with my manager/supervisor immediately.

\_\_\_\_\_ I declare that I have not provided false or misleading information or documents, or omitted to provide pertinent information or documents, to the AEC or to any other person or organisation acting on behalf of the AEC<sup>1</sup>, in connection with my engagement by the AEC.

\_\_\_\_\_ I understand that I am required to take reasonable care for my own health and safety and to take reasonable care to ensure my own acts or omissions do not adversely affect other persons. I also understand that I am required to follow the AEC's reasonable instructions, policies and procedures on Workplace Health and Safety.

\_\_\_\_\_ I acknowledge that I have been provided with a list highlighting certain relevant legislation, policies and procedures applying to engagement in the Australian Electoral Commission listed in this Declaration and that these legislative provisions and policies apply throughout my engagement with the AEC<sup>2</sup>.

\_\_\_\_\_ I acknowledge that it is my responsibility to be familiar with the legislation, policies and procedures applying to my work<sup>3</sup>.

\_\_\_\_\_ I acknowledge that these legislative provisions and policies apply throughout my engagement with the Australian Electoral Commission.

\_\_\_\_\_ I understand my obligation to perform my duties in a manner that ensures the security, integrity and accountability of all Ballot Papers that are in my possession or with which I may come into contact.

### Staff member

Full name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### Signature witness

Full name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

<sup>1</sup> This includes persons or organisations conducting health, security or character checks on behalf of the AEC.

<sup>2</sup> This list (overleaf) is not exhaustive.

<sup>3</sup> For APS employees, Public Service Regulation 3.16 requires that "Each APS employee must inform him or herself about the Public Service Act, [the] Regulations and the Public Service Commissioner's Directions".

## Legal provisions and policies

The following are key legal provisions and policies that apply to engagement with the AEC. It is the individual's responsibility to familiarise themselves and keep up to date with the legislation, policies and procedures applying to their work.

### 1. The APS Values, APS Employment Principles and Code of Conduct

- Part 3, Section 10, section 10A and section 13 of the *Public Service Act 1999*

### 2. Government information and privacy

- *Public Service Regulation 2.1 (PS Act s13)*: which imposes a duty not to disclose information obtained or generated in connection with employment
- The *Privacy Act 1988*, in particular the Information Privacy Principles
- The *Archives Act 1983*
- The *Crimes Act 1914*, in particular section 70: disclosure of information by Commonwealth officers, and section 79: official secrets
- The *Criminal Code Act 1995* sets out a range of offences relevant to AEC employees, including abuse of public office and unauthorised access to, or modification of, restricted data held in a Commonwealth computer to which access is restricted by an access control system.

### 3. Specific provisions applying to the work of the AEC as reflected in policy

Relevant documents provided as attachment to this Declaration

- Declaring conflict of interest with regard to employment in the AEC
- Political neutrality
- Ballot Paper Principles
- Gifts, hospitality and other benefits
- Outside employment
- Employment of friends and family.

### 4. Other criminal offences

- Under s14 of the *Public Governance, Performance and Accountability Act 2013* it is a criminal offence for an official to misapply, or improperly dispose of or use, public money
- The *Criminal Code Act 1995* creates a range of offences, including theft, fraud, abuse of public office and bribery.

### 5. Financial management accountability

- AEC's Accountable Authority Instructions.

### 6. Other policies

- The AEC's policies on email and internet usage, security, privacy, respect at work and conflict of interest can be found on the AEC intranet.

## AEC Ballot Paper Principles

The AEC upholds the sanctity of the ballot paper in all its forms and at all times.

1

All ballot papers remain 'live' from printing through to statutorily authorised destruction.

2

The security, integrity and accountability of ballot papers must be preserved at all times – including transit and storage by the AEC, contractors, or other third parties.

These two maxims of ballot paper handling must never be breached and must underpin AEC operations, culture and standards.

## Expected behaviours to uphold the Ballot Paper Principles

### Professionalism

- Understand your obligations relating to the security, integrity and accountability of the **Ballot Paper Principles**, and related work
- Maintain the currency of your knowledge, and complete required learning and development
- Create and maintain complete and accurate records in a timely manner

### Agility

- Respond to changing circumstances with a view to achieving a positive outcome

- Appropriately raise a concern about an issue of non-compliance when you become aware of it

### Quality

- Comply with established systems and processes
- Ensure that **every task** is completed:
  - Fully and accurately
  - When it is required
  - In the manner that is required
  - To the standard that is required
- Ensure currency and completeness of materials used or products created
- Store materials and information appropriately and securely