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**NSW Police Force**

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# **Political Affiliations Guidelines**

**Professional Standards Command**

**External Version**

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## 1. Purpose

While members of the NSW Police Force (police officers and administrative employees) have a right to political expression and affiliations, with those rights come responsibilities. Every member must ensure that they comply with the *Code of Conduct & Ethics* and all relevant policies, guidelines, procedures, legislation and privacy provisions when making personal political comment, engaging in political affiliations or undertaking political activities.

The community and government must have confidence that a member's personal political interests will not compete with their duties. Any political comment must be made in a strictly personal capacity and political affiliations and activities must never compromise a member's duties to serve the government of the day, nor be perceived as such.

The purpose of these guidelines is to ensure that members are aware of their rights and responsibilities in relation to political expression, activities and affiliations.

## 2. Scope

This document applies to all members of the NSW Police Force (police officers and administrative employees), including those members who are on secondment or otherwise to other government agencies under section 95A of the *Police Act 1990*; on any form of leave without pay, including leave without pay to perform duties with a non-government agency, as approved by the Commissioner or their delegate; on suspension; or on sick leave.

## 3. Member rights and responsibilities

NSW Police Force members have the right to express an opinion in public debates. Members also have the same right to join political parties, carry out political activities and hold and express political views as any other NSW citizen. However, any political comment or activity must be made in a private capacity, separate from the workplace, the member's position and their official duties. Comments must not be seen to represent the official view of the NSW Police Force or to compromise a member's ability to serve the government of the day in a politically neutral manner.<sup>1</sup>

## 4. Conflicts of Interest

When engaging in political activity, members must not undermine community or ministerial confidence in the NSW Police Force. They must ensure that their personal political interests or public comments do not compromise their official duties. They must report to their commander/manager any actual, potential or perceived conflict of interest as soon as identified so that it can be managed. Reports must be made in line with the *Conflicts of Interest Policy Statement*.

## 5. Declarable Associations

Members engaging in political activity must report any declarable associations in line with the *Declarable Associations Policy Statement*.

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<sup>1</sup> NSW Police Force, Public Affairs Branch, *Media Policy*, March 2016, Section 15.1.

## 6. Secondary Employment

Paid or voluntary political activity may constitute secondary employment and may require prior NSW Police Force approval. Unauthorised political activity that interferes with a member's duties or affects the neutrality of a member may result in management action.

## 7. Use of NSW Police Force resources

NSW Police Force members are not permitted to engage in any political activity while on duty and must not use NSW Police Force resources including logos, letterhead, telephones, paper, fax machines, photocopiers, email, internet, the services of other members, NSW Police Force facilities or premises etc for any kind of private political activity. Materials such as posters, bumper stickers, pamphlets etc that may reasonably be construed to be of a political nature must not be publicly displayed on, or distributed from, NSW Police Force premises or vehicles. Members must comply with the *Use of Resources Policy Statement* and related guidelines at all times.

## 8. Public Comment

Public comment is comment that is expected to spread to the community at large. This may include public speaking engagements; comments on social media, blogs and other internet sites; comment on radio and television; letters to newspapers; and expressing views in books, journals or notices.

As private citizens, NSW Police Force members have the right to make public comment and enter into public debate on political and social issues in a private capacity. However, when making public comment in a private capacity, members must not refer to their position either directly or indirectly and it must be clear that any public comment is being made as their personal opinion. NSW Police Force members must not wear any part of a NSW Police Force issued uniform, including badges and nameplates, when making personal public comments or engaging in private political activities.

There are some circumstances in which public comment, while being made in a private capacity, may appear to be made in an official capacity. In these cases, the member should preface their remarks by stating that their comments are being made in a private or association/union capacity and that they do not represent the views of the NSW Police Force.

Members should note that if they are required to make official public comment as part of their work with the NSW Police Force, they are bound by different requirements, which are found in the NSW Police Force *Media Policy*.

## 9. Release of Information

Members are not to discuss or disclose any information that they have obtained through the course of their employment with the NSW Police Force that is not available to the public. Unauthorised release of NSW Police Force information may result in management action.

While engaging in political activity, members are not to release NSW Police Force information to political figures, their staff or political candidates. There is no reason for police information to be disclosed to political figures, their staff or political candidates outside official channels. Guidance on how to respond to official requests for information by political figures is provided at 12.1 below.

## 10. Association Representatives

These guidelines are not intended to restrict NSW Police Force member involvement in associations, unions and committees (industrial or workplace).

Comments made on matters relating to association or union business by association or union members in the capacity as a local delegate within the NSW Police Force, or by association or union office holders employed by the NSW Police Force, are permissible under these guidelines. However, if a NSW Police Force member liaises with media of any type on behalf of an association or union, the member must ensure that their appearance, status and comments are not presented as official NSW Police Force views or policies.

When speaking as an association (industrial) or union representative, members should:

- identify themselves by name and position in the association or union, not by rank or position in the NSW Police Force
- not wear a police uniform, badge or name plate
- make it clear that their comments are recognised as being made on behalf of the association or union, not the NSW Police Force.<sup>2</sup>

Members should contact the NSW Police Force Media Unit if further advice is needed about the abovementioned requirements.

## 11. Political Activity

NSW Police Force members who participate in party politics and activities must do so in a strictly private capacity and their participation must not conflict with their official duties. Members must maintain neutrality in their official duties, in order to maintain ministerial and public confidence in the impartiality of their official actions and advice.

Paid or voluntary political activity may constitute secondary employment and may require prior NSW Police Force approval.

Unauthorised political activity that interferes with a member's duties or affects the neutrality of a member may result in management action.

## 12. Interaction with elected members of political parties

### 12.1 Requests for information or visits to police facilities by Members of Parliament and other politicians

Members of Parliament (**MPs**), being members of the NSW Legislative Assembly or Lower House, may have direct communication with branches of government agencies within their electorate. However, there is an accepted custom and practice in NSW that MPs should obtain information from government agencies by writing to the responsible minister. MPs requesting information on the NSW Police Force must write to the Office of the Minister for Police. The Media Unit must be consulted if a politician seeks information on police activity for public release.<sup>3</sup>

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<sup>2</sup> NSW Police Force, Public Affairs, *Media Policy*, March 2016, Section 15.2

<sup>3</sup> NSW Police Force, Public Affairs, *Media Policy*, March 2016, section 5.8.1

MPs are permitted to visit a Police Area Command (**PAC**) or Police District (**PD**) within their electorate by making arrangements directly with the relevant commander. When these requests are made, the region commander should be notified immediately and well in advance of any visit. Commanders must establish whether media will be present and if so, the Media Unit should also be advised.

Visits to police facilities by MPs who are not the local Member must be arranged via the Office of the Minister for Police. This is also the case for MP visits to specialist or corporate commands within their electorate or visits by Members of the Legislative Council, being members of the Upper House of the NSW Parliament, or other politicians.

## 12.2 Photographs or filming with political figures

If a politician requests to be photographed or filmed with a NSW Police Force member, the photograph must show the member performing official duties. The images must be for the purpose of news media coverage and not for the production of campaign material.

Members may be photographed with political figures as part of their official duties such as being present at a ministerial visit or a forum run by a local MP.

**Photographs of politicians or candidates with NSW Police Force members designed specifically for the production of political brochures, posters and other campaign material is not permitted.**

Appearance in media footage is a matter for individual members and no member can be compelled to take part. If members are unsure of what action to take in relation to requests made by political figures, they should seek the advice of the Media Unit or their commander/manager in the first instance.<sup>4</sup>

Media should not be allowed past the public area of a PAC or PD station without the prior permission of the relevant region commander. Similarly, media should not be allowed past the public area of a specialist or corporate facility without the prior permission of the relevant assistant commissioner. The Media Unit should be advised in advance of a media visit.

## 12.3 Election protocols and pre-election visits to police premises

Prior to any election, the NSW Police Force releases guidelines for visits to police facilities by politicians or political candidates and requests for photographs with police officers. Members should familiarise themselves with these guidelines each time they are released. In relation to NSW State elections, caretaker and other provisions will be put into place and these will be communicated to all members.

## 13. Standing as a political candidate

NSW Police Force members are permitted to stand for political office and to participate in election campaigning activities such as canvassing for votes; addressing political meetings; or handing out 'how to vote' leaflets. However, these activities must be conducted strictly in a private capacity and must in no way be affiliated with the candidate's employment as a member of the NSW Police Force. Members must ensure that any participation in party political activities does not conflict with their primary duty as a NSW Police Force member.

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<sup>4</sup> NSW Police Force, Public Affairs Branch, *Media Policy*, March 2016, Section 5.8.

## 13.1 Specific provisions for contesting elections at each level of government

### *Federal Government*

A government employee, which includes members of the NSW Police Force, wanting to stand for election to the Federal Parliament must resign from their position before nominating for election. The resignation must take effect no earlier than three months before polling day and no later than the day before the closing date for nominations.

Under section 72 of the *Government Sector Employment Act 2013* (the **GSE Act**), which includes NSW Police Force members, a member who resigns to contest a Federal election and fails to be elected is entitled to be re-employed in the same agency at a rate of pay not lower than the current rate of pay at the date of resignation, or similar employment. If a member is reappointed under these circumstances, it will be taken that they have never resigned from the agency and that they have been on leave without pay for the period between resignation and reappointment.

However, for all these provisions to come into effect, the member must have:

- resigned in writing, with the resignation having taken effect no earlier than three months before polling day and no later than the day before the closing date for nominations
- included in the resignation notice the intention to become a candidate at that election
- become a candidate at that election
- failed to be elected at that election; and
- made a written application for re-employment within two months after the declaration of the election results.

### *State Government*

Under section 71 of the GSE Act, a member standing for election to State Parliament is not required to resign until declared elected. Neither is a member required to take leave while contesting a State election. However, if a member applies for leave during this period, it will be granted until the day on which the election result is declared.

However, to avoid possible conflicts of interest, members should consider taking appropriate leave to cover the period from the date of nomination to the end of the election period. If a member decides to take leave during this period, it may be taken with or without pay, according to the member's preference and available entitlements. However, sick leave may not be used for this purpose.

If a member is elected, then their last day of service will be the date elected, as a government sector member cannot remain employed if elected to State Parliament.

### *Local Council*

Government sector members are not required to resign to contest a Local Government election, nor are they required to resign if elected. However, members must make an application for extraordinary secondary employment prior to officially lodging a nomination with the NSW Electoral Commission. If the member is elected to Local Government, they must notify their commander/manager and make a subsequent application for extraordinary secondary employment.<sup>5</sup>

Secondary employment approval is required for a member involved in Local Government to ensure that the NSW Police Force is made aware of such involvement and appropriately manages any conflicts of interest that may arise as a result. However, the secondary employment approval process cannot be used to interfere with a member's political rights.

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<sup>5</sup> NSW Police Force, *Secondary Employment Policy and Procedures*, January 2010, Section 3.25(d).



A member elected to Local Government must ensure that they comply with both the NSW Police Force *Code of Conduct & Ethics* and the NSW Office of Local Government's *Model Code of Conduct* for council officials. They must avoid actual, potential or perceived conflicts of interest between their duties with the NSW Police Force and their shire/council commitments and must report any conflicts of interest in line with the *Conflicts of Interest Policy Statement*.

## **14. Commander/Manager Obligations**

Commanders and managers who are aware of a member running for office or engaging in political activity must ensure they provide the member with a copy of the *Political Affiliations Policy Statement* and *Guidelines* and that the member complies with the requirements of the policy and guidelines.

## **15. Failure to comply**

Members who fail to comply with relevant legislation and these guidelines, the related *Political Affiliations Policy Statement*, the *Code of Conduct & Ethics* and other, related NSW Police Force and government policies and guidelines may be subject to management action.

## **16. Relationship with legislation, other policies and guidelines**

These guidelines and the related *Political Affiliations Policy Statement* should be read in conjunction with other relevant legislation, policies and guidelines which include, but are not limited to:

### *Legislation*

*Electoral Act 2017 (NSW)*

*Sections 71 and 72, Government Sector Employment Act 2013 (NSW)*

### *NSW Police Force Policies, Procedures and Guidelines*

- *Code of Conduct & Ethics*
- *Conflicts of Interest Policy Statement*
- *Declarable Associations Policy Statement*
- *Media Policy*
- *Personal Use of Social Media Policy and Guidelines*
- *Use of Resources Policy Statement*
- *Use of Resources Guidelines*

### *NSW Government*

- Department of Premier & Cabinet Circular, *C2018-04-PSCC2018-06 Contesting Elections*, 17 August 2018
- Department of Premier & Cabinet Circular, *C2018-05 Provision of Information to Members of Parliament*, 17 August 2018
- NSW Public Service Commission, *The Code of Ethics and Conduct for NSW government sector employees*
- NSW Public Service Commission, PSCC2013-03 & DPC2012-04 Contesting Elections, <https://arp.nsw.gov.au/pssc2013-03-dpc2012-04-contesting-elections>
- NSW Office of Local Government, *Model Code of Conduct*, <https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/>
- NSW Industrial Relations, *Public Service Industrial Relations Guide*, v2.0, January 2019