

Department of Premier and Cabinet

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Dept ref: 26/159709

Hon Meg Webb MLC
Committee Chair
Joint Standing Committee on Electoral Matters

via email only: electoralmatters@parliament.tas.gov.au

Dear Ms Webb

I write in response to your request of 31 August 2026 seeking information on State Service policy, practices and procedures that apply when employees or officers are standing as candidates in General or Legislative Council elections.

I provide the following advice on your questions:

Whole of State Service policies and procedures for when a State Servant (sic) stands as a candidate for election

The Director (now Deputy Secretary) State Service Management Office (SSMO) issued [Practices, Procedures and Standards No 3](#) on 14 February 2024 (Attachment 1, PPS No 3). This document is issued under section 15(b) of the *State Service Act 2000* (the Act), with the Head of the State Service having delegated that Employer power to the Director SSMO on 7 July 2022.

This document is publicly available on www.dpac.tas.gov.au under Working in the State Service – Employment practices, procedures and standards.

SSMO administers PPS No 3 and it applies to all State Service employees employed under section 37 of the Act whether permanent or fixed-term as well as all State Service officers appointed under section 31 of the Act – Heads of Agencies, Prescribed Officers, Senior Executive Officers and Equivalent Specialist Officers. Agency questions on its operation are directed to and answered by SSMO officers while employee or officer queries are addressed by the relevant agency.

It is customary when a General Election is called for SSMO to remind agencies via their Human Resources / People and Culture Directors of PPS No 3, however this is not a formal or prescribed process. No specific action is taken prior to Legislative Council elections.

The Caretaker Conventions that are activated on the dissolution or expiration of the Parliament do not specifically include any information about employees standing for House of Assembly election. The Conventions however do *cover the need to protect the apolitical nature of the State Service and prevent controversies about the role and work of the State Service during an election campaign.*

These are also addressed in Section 7 -*Political participation by Tasmanian State Service employees and officers*. This section confirms that employees “*have the same rights as other members of the community to engage in the political process, including political dialogue online, except where these activities impact adversely on their ability to perform their official duties to the standard required under the State Service Act and/or place them in conflict with the general obligations as Tasmanian State Service employees and officers*”.

Policies, Procedures or arrangements that are department specific

Agencies have confirmed that they have no additional specific policies on standing for elections at any level of government.

A table summarising information on your questions as supplied by each agency is at Attachment 2.

The Department of Health (DoH) and the Department *for* Education, Children and Young People actively review the Tasmanian Electoral Commission’s listings of candidates as they are released. Where an employee of DoH is identified as a candidate, a representative of People and Culture writes to the employee reminding them of the need to adhere to PPS 3 and advising of any leave provisions that may apply. DECYP send an email to the employee to confirm their standing. In both instances the correspondence is saved in the employee’s personal file.

I note Sworn Police officers are not covered under the *State Service Act* therefore we have not provided information on any policies in place for them regarding standing for election. There are no specific agency contextual matters that likely need consideration, and reliance on the PPS No 3 ensures a consistent process across all agencies.

Details of who administers these policies and procedures

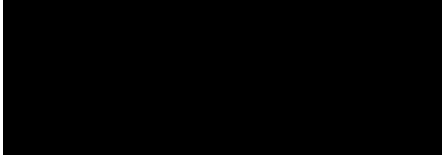
The State Service Management Office administers PPS No 3 and the Department of Premier and Cabinet’s Executive and Government Services branch is responsible for the Caretaker Conventions. Individual Heads of Agency are responsible for issuing and managing their agencies’ policies and procedures on employee matters, noting no further guidance has been deemed necessary. People and Culture / Human Resources manage any communications where they are put in place.

Whether, and in what way, records are kept of instances of State Servants standing as candidates for election

There is no central recording of employees standing as candidates for election either by SSMO as the administrator of PPS 3 or by agencies. Where an individual employee has made a request for leave under the provisions of PPS No 3, has advised of their candidacy, or the agency has noted an employee’s candidacy and written to them as in the case of the Department of Health, any written information or file notes on the matter are kept under that employee’s personnel file.

Agencies noted in responses to the question that very few employees, from contemporary knowledge, have stood for any elections whether Federal, State or Local.

Yours sincerely



Kathrine Morgan-Wicks PSM
Head of the State Service

11 September 2026

Attachments

- 1 – Practices, Procedures and Standards No 3 – Contesting Federal, State and Local Government Elections
- 2 – Table of Agency responses

Practices, Procedures and Standards No. 3

CONTESTING FEDERAL, STATE AND LOCAL
GOVERNMENT ELECTIONS

Operative date: date of signature

Pursuant to Section 15(1)(b) of the *State Service Act 2000*, I hereby direct that the arrangements and requirements, set out in this Practices, Procedures and Standards document apply.

Signed: [REDACTED] Date..... 14 February 2024.....

Issued by the Director, State Service Management Office under delegation from the Head of the State Service.

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I. Purpose

- 1.1. To outline requirements relating to State Service employees and officers who nominate as candidates at Federal, State or Local Government elections.

2. Application

- 2.1. This Practices, Procedures and Standards is issued in accordance with Section 15 (1)(b) of the *State Service Act 2000* (the Act).
- 2.2. This Practices, Procedures and Standards applies to all State Service employees, (permanent or fixed term) appointed under section 37 of the Act and officers appointed under section 29 of the Act

3. Legislation and Related Documents

- 3.1 Commonwealth Legislation:

Commonwealth of Australia Constitution Act 1900

Commonwealth Electoral Act 1918

- 3.2 Tasmanian legislation and related documents:

Applicable Public Sector Awards

Constitution (State Employees) Act 1944

Crown Servants' Reinstatement Act 1970

Long Service Leave (State Employees) Act 1994

State Service Act 2000

State Service Regulations 2021

Tasmanian Electoral Act 2004

4. Date of Operation

These Practices, Procedures and Standards will take effect from the date of issue and will remain in force until varied or revoked.

5. Federal Elections

Are you required to resign to contest an election?

Yes. You have to resign to contest an election for either House of the Commonwealth Parliament prior to nominating.

Under Section 44 of the *Commonwealth of Australia Constitution Act 1900* you must resign from public employment ("an office of profit under the Crown") before contesting an election for a seat in the Federal Parliament or risk your election being declared invalid by a Court of Disputed Returns for not completing a valid nomination form (see High Court decision, *Sykes v. Cleary and others*, 1992).

It is recommended that you refer to Section 170(1)(b) of the *Commonwealth Electoral Act 1918* for completing a valid nomination.

When should you resign to contest an election?

You are entitled to normal leave entitlements (recreation leave, long service leave or leave without pay) for campaigning up until you resign.

The latest acceptable date to resign is the date formal nominations with the Australian Electoral Commission close. Resignation is to be no later than the hour before nominations close or before 12 noon on the nomination closing day¹.

It may be prudent to ensure resignation takes effect before nominating as a candidate. This responsibility is one for the employee or officer not the employer.

If you resign to contest an election, can you be reappointed if you are an unsuccessful candidate?

Yes. Provided you resigned not more than one month before nominations for that election closed, you can apply within two months of the declaration of the result of that election, to be reappointed to the position from which you resigned.

Heads of Agency are not obligated but have discretionary power to reappoint under Section 3(1) of the *Crown Servants' Reinstatement Act 1970*.

If you are reappointed you can elect to count your absence during the election (the period from the day on which your resignation took effect to the day before the day on which you are reappointed) as either leave without pay under Section 3(2) *Crown Servants' Reinstatement Act 1970*, or, if you become entitled by reason of your resignation to become a candidate, to an allowance under Section 20 of the *Long Service Leave (State Employees) Act 1994* and an allowance was paid under that Act, as long service leave under Section 3(3) *Crown Servants' Reinstatement Act 1970*.

Provided you apply for reappointment within two months of the declaration of the result of that election the break between resignation and reappointment does not break your continuity of service, for the purposes of calculation under the *Long Service Leave (State Employees Act) 1994*.

6. State Elections

6.1 Employees

If you are a State Service employee are you required to resign to contest a State election?

No. If you are a State Service employee (permanent or fixed term), appointed under section 37 of the Act, who wishes to become a candidate for election to either House of State Parliament, you do not have to resign prior to contesting a seat.

What provisions are available to employees for employees to contest an election?

You are entitled to leave of absence without pay for up to two months for the purpose of contesting a State election. This entitlement is covered under the provisions of Section 2(2)(b) of the *Constitution (State Employees) Act 1944*.

¹ The Federal Election Timetable contains information relating to the dates and time writs are issued. Nomination as a candidate commences during normal business hours from the date of writs for election opens until 12 noon on the day nominations close.

You can also request to access your paid leave entitlements (where available) if you wish to take leave, subject to Head of Agency approval.

What if you are not elected?

You can either complete the scheduled period/s of leave with or without pay, or make a request to the Head of Agency to return to work at an earlier date. A decision to allow you to return early is at the discretion of the Head of Agency.

Your entitlements on return to State Service employment following any period of leave without pay in excess of 20 working days in a year have exclusion limits (in relation to calculating length of service, leave entitlements and salary progression).

Section 11(3)(d) of the *Long Service Leave (State Employees) Act 1994* and Regulations 22(3) and 24(4) of the *State Service Regulations 2021* specify the conditions for your return.

Note: The provisions of this section relating to employees also apply to Prescribed Officers appointed under section 31(b) of the State Service Act.

Note: The expiry date of an appointment for fixed-term employees whether expressed or implied is not extended due to any period of leave or absence due to contesting an election.

What if you are elected?

If elected, Section 2(2) of the *Constitution (State Employees) Act 1944* provides that service as a State Service employee will cease and employment will terminate.

6.2 Officers

If you are a State Service Officer are you required to resign to contest a State election?

Yes. You are required to resign your employment as an State Service Officer (other than a Prescribed Officer) if you contest a state election.

Where you hold an office created under Section 29 of the State Service Act (i.e. a Head of Agency, Senior Executive Office, or Equivalent Specialist Office) and become a candidate at an election for members of either House of State Parliament you are taken to have vacated that office on becoming such a candidate (*State Service Act (Section 31(5))*) once nominations have closed and you are formally recognised as a candidate.

There is no specific legislation providing for the reappointment of an officer after their resignation to contest an election

Note - If you are a Prescribed Officer, appointed to an office contained in Schedule 1 of the State Service Regulations, the provisions of section 6.1, Employees, apply.

Officers with right to reappointment

Section 31(11) and Section 31(12) of the State Service Act make provision for a person appointed as an officer who was, immediately prior to being an officer, a permanent employee in the State Service, and whose appointment is terminated, or a consecutive appointment not offered, to elect within 14 days after the termination or expiration to be reappointed as a permanent employee.

If you are eligible for such reappointment after vacating your office as an officer you can exercise the right to reappointment as a permanent employee. As a permanent employee you can access the provisions in clause 6.1 of this PPS once your reappointment as an employee has been progressed by the Head of the State Service. Should you then be elected, service as a State Service employee will cease in accordance with clause 6.1.

If you are not eligible for reappointment, your employment with the State Service terminates through your resignation of employment on contesting the state election in accordance with s31(5) of the Act.

Where an officer has, or has indicated their intent to, become a candidate, the agency should consult with the Director SSMO in terms of the application of this PPS to individual circumstance.

7. Local Government Elections

There are no legislative requirements relating to employment for State Service employees and officers wishing to nominate as candidates in local government elections.

Candidates in local government elections are entitled to leave in accordance with the *State Service Act 2000* and applicable Public Sector Awards.

Are you required to resign if you are a successful candidate?

No, however if elected you must be mindful of avoiding any potential conflict of interest and ensuring you comply with the State Service Principles and Code of Conduct, contained in the *State Service Act 2000* (Section 7(1) and Section 9 respectively), at all times.

8. Intending Candidate Resources

The sites listed below contain key resources for candidates including the 'election timetable' relating to Issue and Return of Writs, 'Information for Candidates Handbook' to calculate key dates for nomination and extracts from relevant legislation relating to employment for Holders' of an office of profit under the Crown, State Public Servants and Government Contractors.

Employees and Officers are advised that this document is designed to be used only as a guide and it is recommended that you obtain your own independent legal advice if in any doubt about whether the provisions of the legislative basis and related documents apply to you.

[Tasmanian Electoral Commission website \(TEC\)](#)

[Australian Electoral Commission website \(AEC\)](#)

Responses from Agencies – Joint Standing Committee on Electoral Matters

Agency	Summary
Health	The agency has a process in place to communicate with all employees ahead of State and Federal elections of PPS No 3. These communications are sent via an all-staff email and also published on the Department's intranet site. Once the names of candidates are released by the TEC or AEC, People and Culture writes to individual candidates who work for the Department reminding them that they must adhere to <i>Practices, Procedures and Standards No. 3 – Contesting Federal, State and Local Government Elections</i> issued by the Director, State Service Management Office in the Department of Premier and Cabinet. This email includes leave provisions that apply. The letters to employees contesting elections are stored in the Department's content management system.
Justice and Integrity Commission	The agency distributes some communications to output managers when an election is called. Where an employee takes leave for election purposes, there is no specific code in the payroll system however the agency would put a note on the employee's personal file. The Integrity Commission receives People and Culture support from the Department of Justice and has advised they use Justice processes in these matters.
Education, Children and Young People	People and Culture review TEC notification of candidates to check if any are employees. If any are identified and/or an employee self-identifies, People and Culture send an email to the employee and where necessary leave is applied for and granted. All information is saved on the employee's personal file.
Police Fire and Emergency Management	Communication to employees is through the promotion on DPFEM intranet site of the updated Caretaker Conventions which DPAC provide to agencies following announcement of each state or federal election, and any other communication that may be put out by the HOSS on those conventions. The agency has advised they have no records on employees standing for election, but also there is no knowledge of recent employees standing for State or Federal election.
Treasury	The agency manages this through the conflict of interest framework. Conflict of interest is covered in induction, as part of leadership and management training and there are periodic reminders and training through internal communication channels. Any employee standing for election will have this noted as part of conflict management plans on personnel files
Natural Resources and Environment	The agency has indicated they have no processes and no records are kept.
Building Tasmania	The general approach has been to remind employees or officers when a Caretaker period begins; in July 2025 the Guidelines on the Caretaker conventions being shared with all staff by the Secretary.

	Any records of employees standing for election are stored against the relevant employee's personnel file in CM.
Premier and Cabinet	The agency provides advice on request from employees based on PPS 3 and the Caretaker conventions where necessary. Any records where an employee takes leave or advises of their candidacy would be saved on the employee's personal file.
PAHSMA	PAHSMA forwards whole-of-government communications and does not have any separate process. No employees known have stood for election.
Audit	Audit Tasmania does not have any agency-specific processes, policies, procedures or record-keeping arrangements relating to State Service employees standing as candidates in General or Legislative Council elections beyond those provided by SSMO. The agency • Relies on communications and guidance provided by SSMO during election and caretaker periods, which are circulated to staff as received. • Does not maintain specific records for this purpose and, to date, has not had any employees stand as candidates for election.
MacPoint	The agency advises that since inception no employees have advised they wish to stand in any election and as a result there are no current procedures or documentation in place specific to the agency. If questions were to arise the agency would seek advice from their HR bureau service (currently provided by Building Tasmania) and ensure it is documented appropriately and recorded on personal files.
Tourism Tasmania	The agency relies on central policy and advice issued by SSMO and DPAC, which is distributed to all staff for awareness. We don't maintain a formal register. Individual staff intending to nominate for a General or Legislative Council election are required to formally disclose that intention, at which point advice is sought and appropriate action taken.
Public Trustee	The Public Trustee does not have: - a process for advising employees or officers of PPS No 3 - any records of employees or officers standing as candidates for election