



ACT Electoral Commission Annual Report



Elections ACT

2009/2010



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Dear Attorney General

This report has been prepared under section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of this Annual Report.

This Annual Report is a joint report covering the operations of the ACT Electoral Commission and the operations of the Electoral Commissioner and the staff employed to assist the Commissioner. Under the *Electoral Act 1992* and other relevant legislation, the Commissioner exercises some functions independently of the Commission. For simplicity, references in this report to Elections ACT are to be taken to refer to the Electoral Commissioner and his staff.

We hereby certify that the attached Annual Report is an honest and accurate account and that all material information on the operations of the ACT Electoral Commission during the period 1 July 2009 to 30 June 2010 has been included and that it complies with the Chief Minister's Annual Report Directions.

The Electoral Commissioner hereby certifies that fraud prevention has been managed in accordance with Public Sector Management Standard 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the Report to be laid before the Legislative Assembly within 3 months of the end of the financial year.



Roger Beale AO
Chairperson

Phillip Green
Electoral Commissioner

Christabel Young
Member

31 August 2010

31 August 2010

31 August 2010

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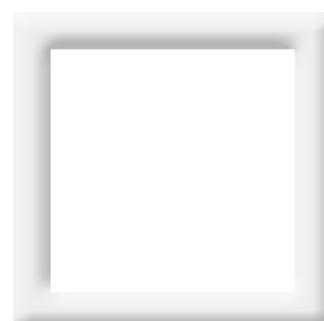
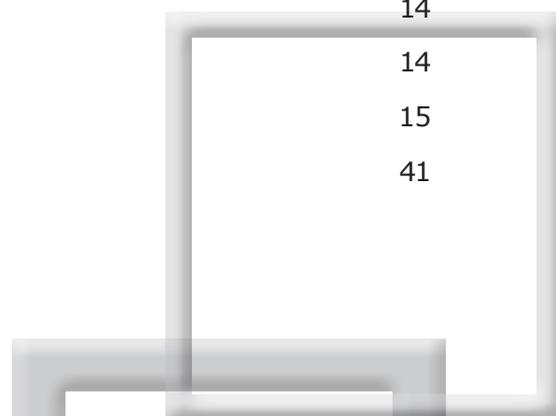
Glossary

ACT	Australian Capital Territory
AEC	Australian Electoral Commission
ANU	Australian National University
Commission	ACT Electoral Commission
Commissioner	ACT Electoral Commissioner
CPI	Consumer Price Index
CRU	Continuous Roll Update
ECA	Electoral Council of Australia
Elections ACT	The office of the Electoral Commissioner and the staff appointed to assist the Commissioner
Electoral Act	<i>Electoral Act 1992</i>
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1989</i>
Hare-Clark	The proportional representation electoral system used in the ACT
ICT	Information/communication technology
InTACT	The ACT Government information technology management agency
JACS	ACT Department of Justice and Community Safety
Joint Roll	The common ACT and Commonwealth electoral roll maintained under a formal government-to-government arrangement
MLA	Member of the ACT Legislative Assembly
OH&S	Occupational Health and Safety
Party	A political party registered under the Electoral Act
PDAs	Personal Digital Assistants (hand-held computers used in polling places as electronic electoral rolls)
Redistribution	A redistribution of electoral boundaries
Referendum Act	<i>Referendum (Machinery Provisions) Act 1994</i>

Part A

Performance and financial management reporting

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The organisation

The ACT Electoral Commission is an independent statutory authority established under the *Electoral Act 1992* comprising a Chairperson, the Electoral Commissioner and a Member, with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly and for the provision of electoral advice and services.

It is important to distinguish between the functions of the Commission and the office of the Electoral Commissioner.

The Commission is responsible under the Electoral Act for key over-arching electoral functions, including advising the Minister; conducting education and information programs; providing information and advice to the Assembly, the Executive, agencies, political parties, MLAs and candidates; conducting research; publishing electoral material; providing fee-for-service electoral goods and services; and conducting ballots for prescribed organisations. The Commission is also responsible for key electoral roles, such as its part in the electoral boundaries redistribution process; and as a review body for decisions made by the Commissioner or the Commissioner's delegates.

The Electoral Commissioner serves in a dual capacity as both a member of the Commission and as a statutory officer holder with independent powers and functions. The Commissioner is the chief executive officer of the Commission. In that role, the Commissioner manages the operations of the Commission under the guidance and direction of the full Commission, and undertakes the Commission's functions as the Commission's delegate. The Commissioner also has specific functions under the Electoral Act and other legislation that are given solely to the Commissioner, including most of the procedures related to the conduct of ACT Legislative Assembly elections, as well as registration of political parties and implementing the funding and disclosure scheme.

The Commissioner is assisted by staff employed under the *Public Sector Management Act 1994* and under the Electoral Act. For simplicity, the office of the Commissioner and the Commissioner's staff are referred to under the operating title of Elections ACT. The Commissioner and the staff of Elections ACT perform functions that are the responsibility of the Commissioner and perform some functions on behalf of the Commission.

The Attorney General is the Minister responsible for electoral matters and the Commission is included in the Department of Justice and Community Safety (JACS) portfolio for administrative purposes. In the departmental structure for 2009/2010, the Commission was included in Output Class 1.6 – Electoral Services.

The Commissioner and the Department of Justice and Community Safety have entered into a Memorandum of Understanding that defines areas of responsibility and assistance between the two agencies. In particular, the Memorandum of Understanding clearly delineates the statutory independence of the Commission and the Commissioner in the conduct of their respective roles under the legislative framework, described in the next section.

Legislative framework

The Commission is responsible for the conduct of elections and referendums and for the provision of electoral advice and services under the following legislation:

- ◇ Electoral Act 1992;
- ◇ Electoral Regulation 1993;
- ◇ Referendum (Machinery Provisions) Act 1994;
- ◇ Proportional Representation (Hare-Clark) Entrenchment Act 1994;
- ◇ Health Professionals Regulation 2004; and
- ◇ Aboriginal and Torres Strait Islander Elected Body Act 2008.

Organisational structure

The ACT Electoral Commission consists of a Chairperson, the Electoral Commissioner and a third Member.

Table 1 - Members of the ACT Electoral Commission

Mr Roger Beale AO <i>Chairperson</i> Appointed until 28 February 2012
Mr Phillip Green <i>Electoral Commissioner</i> Reappointed until 31 March 2015
Dr Christabel Young FASSA <i>Member</i> Reappointed until 28 February 2012

The 3 Members of the Commission are appointed by the Executive under the Electoral Act. As chief executive officer of the Commission, the Electoral Commissioner is remunerated as a full-time office holder. The Chairperson and the other Member of the Commission are remunerated as part-time office holders. Remuneration for all 3 Members is determined by the Remuneration Tribunal.

The current Electoral Commissioner, Mr Green, was reappointed to this position during the reporting year to a further 5 year term, concluding on 31 March 2015.

The Electoral Commissioner has chief executive powers under the Public Sector Management Act in relation to staff employed to assist the Commissioner. These staff, acting under the direction of the Commissioner, have been brought together under the operating title Elections ACT.

The Commissioner may also employ casual staff and engage consultants under the Electoral Act, on terms and conditions determined by the Commission after consultation with the Executive.

The Commissioner was assisted throughout 2009/2010 by 5 officers employed under the Public Sector Management Act.

From time to time, other staff are employed to assist the Commissioner as necessary. These include officers employed under the Public Sector Management Act and the Electoral Act and officers seconded from other organisations.

For more information on the Elections ACT staff positions see **Staffing Profile** on page 54.

Election ACT's mission

Election ACT's mission is:

To provide the ACT community with high quality electoral services that ensure fair and open elections and referendums.

Elections ACT also provides services to a wide and diverse range of clients, including the Attorney General, Members of the Legislative Assembly, political parties, election candidates, ACT Government agencies, the media and special interest groups.

Elections ACT's most important function is to conduct elections for the Legislative Assembly. The next election is due to be held on 20 October 2012.

Some of the other tasks for which Elections ACT is responsible include electoral education, maintaining the register of political parties and the funding and disclosure scheme, conducting redistributions of electoral boundaries, working with other electoral authorities to improve the accuracy of the electoral roll, conducting elections for ACT health professionals boards and providing electoral services to other organisations on a fee-for-service basis.

Elections ACT Corporate Plan 2009-2013

MISSION	
To provide the ACT community with high quality electoral services that ensure fair and open elections and referendums.	
Goal 1	To conduct high quality elections and referendums
Key result areas:	1.1 Elections for the ACT Legislative Assembly
	1.2 Election and referendum services to other agencies
Goal 2	To provide high quality electoral information, education, advice and services
Key result areas:	2.1 Electoral information and advice
	2.2 Electoral enrolment
	2.3 Electoral education
	2.4 Other electoral statutory requirements
Goal 3	To support high quality electoral services by effective management
Key result areas:	3.1 Human resources management
	3.2 Financial management
	3.3 Records management
	3.4 Information/communication technology management

The *Corporate Plan 2009-2013* is underpinned by more detailed operational plans.

Performance indicators

Formal budget paper performance indicators

Following a rationalisation of performance indicators for the JACS portfolio conducted in 2005/2006, the Chief Executive of JACS decided to adopt only 2 performance indicators for electoral services, both of which only relate to Legislative Assembly elections. These indicators measure voter turnout at Assembly elections and timely finalisation of Assembly election results. As 2009/2010 was not a Legislative Assembly election year, there were no formal reporting indicators in the 2009/2010 Budget Papers for Output 1.6 – Electoral Services.

The Commission undertook a review of its performance indicators during the year with a view to adopting at least one indicator that would reflect its ongoing activity. From the 2010/2011 reporting year, the Commission will formally report on the participation of eligible electors on the electoral roll. A new performance indicator will measure the percentage of electors on the electoral roll compared to those eligible to be enrolled. While formal reporting against this indicator is not required until the 2010/2011 year, the performance outcome against this indicator is included in this year's report in Table 2 below.

This performance indicator is effectively a measure of the net result of the efforts of Elections ACT and the Australian Electoral Commission to facilitate the compulsory enrolment of eligible electors.

In previous years, the percentage of electors on the roll compared to the number eligible has been reported under Key Result Area 2.2 Electoral Enrolment. It will also continue to be reported in detail under that heading.

Table 2 – Additional performance indicator included in budget papers from 2010/2011

Accountability	Measures	Target	Outcome at 30 June 2010
High level of electoral enrolment	Participation rate	> 95% of eligible population	Enrolment was 93.6% (note 1)

Note 1: - Eligible elector population (EEP) is calculated every quarter by the Australian Electoral Commission, using base data provided by the Australian Bureau of Statistics and applying a method developed by the AEC in conjunction with the ABS. The EEP is an estimate of the number of persons who are eligible to be enrolled at any point in time, and is calculated using post-censal estimates based on the latest census data updated by birth and death registrations, and estimated interstate and overseas migration. The estimate is recalculated after each census and previous EEP estimates revised accordingly.

It can be noted that the outcome as at 30 June 2010 – with 93.6% of the eligible population on the electoral roll – is below the target of 95%. By contrast, the outcome for 30 June 2009, in the same reporting year as the 2008 ACT election, was 97.0%. This outcome reflects the trend for the level of enrolment to decline in the years between elections. However, it also highlights that there is a trend for the level of enrolment to be in decline generally. There is further discussion about electoral enrolment starting at page 24.

In-house performance indicators

The Commission considers that it is worthwhile to maintain an extended set of performance indicators for in-house use and for annual reporting purposes. Set out below are the Commission's in-house performance indicators. Discussion of the Commission's performance against each of these measures is included in the **Analysis of agency performance** from page 15 to page 42.

Goal 1 – Elections and referendums:		
Objectives	Measures	Outcomes
Increase voter turnout at Legislative Assembly elections	Participation rates	Turnout 2008 election: 90.4% Turnout 2004 election: 92.8% Turnout 2001 election: 90.9%
Deliver service within timeline targets	Timelines met	All timelines met
Increase formal voting at Legislative Assembly elections	Formal voting rates	Formal voting 2008 election: 96.2% Formal voting 2004 election: 97.4% Formal voting 2001 election: 96.0%
Goal 2 – Information, education, advice and services		
Objectives	Measures	Outcomes
Maintain high client satisfaction	Feedback from clients/electors	All electoral education and fee-for-service election clients expressed satisfaction.
Manage registration of political parties	Statutory requirements met	Statutory requirements met.
Redraw electoral boundaries for each election	Statutory requirements met	There were no redistributions commenced or concluded in the reporting period. The next redistribution will commence as soon as practicable after 21 October 2010.
Goal 3 – Effective management		
Objectives	Measures	Outcomes
Manage costs within budget allocations	Budget met	Overall expenditure exceeded budget by 9%; however variable expenditure controlled by the Commissioner was within budget.
Maintain high staff satisfaction	Performance management feedback	High staff satisfaction reported.
Manage and improve IT business systems	Absence of IT business systems failures	No IT business systems failures.

Elections ACT's timeline targets are:

- ◇ All statutory deadlines will be met.
- ◇ Election results will be finalised:
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is not needed): within 3 weeks from polling day;
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is needed): within 4 weeks from polling day;
 - For a count back to fill a casual vacancy in the Legislative Assembly: within 1 week from the date applications to contest the vacancy close; and
 - For other elections and referendums where the ACT Electoral Commission is responsible for providing election results: within 1 week from the close of the poll.

Overview

The Commission and the Commissioner are independent statutory office holders appointed under the Electoral Act. The operational framework of the Commission and the office of the Commissioner is prescribed by the legislation codifying the functions of the Commission and the Commissioner.

The Commission's most important function is to conduct elections for the ACT Legislative Assembly election. An election for the Assembly was held in the previous reporting year on 18 October 2008. The next Assembly election is due to be held on 20 October 2012.

Preparation for the 2012 election was the major focus of the Commission and Elections ACT in 2009/2010. A major component of these preparations was the commencement of the 4-year re-development of the Elections ACT ICT election systems. Another major element in the election preparations was a successful bid for additional recurrent budget funding for the Commission for 2010/2011 and onwards, and for funding of the 2012 election itself.

While the Commission's and Elections ACT's largest and most visible roles are the conduct of Legislative Assembly elections and the determination of electorate boundaries, the Commission and Elections ACT have a wide range of functions that provide challenging work at all stages of the election cycle.

These functions include providing advice to Government and others, conducting minor elections, electoral education, administering the political disclosure scheme, maintaining the register of political parties and, together with other electoral authorities, maintaining the electoral roll.

As can be seen from the list of key activities undertaken in 2009/2010 shown at **Highlights** on page 9, the Commission and Elections ACT took advantage of this non-Assembly election year to focus on these other areas, while at the same time advancing preparations for the next major Assembly election.

Highlights

The main focus of the Commission and Elections ACT in 2009/2010 was on long-term planning and preparation for the 2012 Legislative Assembly election.

One of the main activities undertaken in preparation for the 2012 election was the commencement of the 4-year re-development of Elections ACT ICT election systems, for which funding was provided in the 2009/2010 Budget. This is a major project of activity with the objective of having the updated systems in place for the 2012 election.

A major outcome of 2009/2010 was the successful submission to government for an increase in Elections ACT's recurrent budget from 2010/2011, and the inclusion in the Budget's forward year projections of an increased base election budget for the conduct of the 2012 Legislative Assembly election. The additional recurrent funding will relieve the pressure on the Elections ACT's ongoing budget, and the setting of the 2012 election funding will provide some surety in the long term planning for the election.

Elections ACT staff also undertook staff development opportunities, including project management training, ICT skills training and personal development.

Other notable activities undertaken during 2009/2010 included:

- ◇ Finalising a strategic review of Elections ACT's staffing, structure, budget, staff development program, operational plan and corporate plan for 2009 to 2013, from which the successful submission to government for increased recurrent budget and the 2012 election budget was developed;
- ◇ Making a submission to the Legislative Assembly's Standing Committee on Justice and Community Safety *Inquiry into Campaign Finance Reform*, and appearing before a hearing of the committee;
- ◇ Providing advice to Government and Members of the Legislative Assembly on electoral matters as required;
- ◇ Completing the follow-up of non-voters at the 2008 election by issuing court summonses to electors who failed to provide a valid and sufficient reason for failing to vote;
- ◇ Finalising a negotiation of the review of the rate of payment to the Australian Electoral Commission for the maintenance of the electoral roll;
- ◇ Processing the requests of 2 registered political parties for the cancellation of their registration, and an application for a change to the register of political parties;
- ◇ Conducting audits of 2008/2009 annual returns for compliance with the financial disclosure scheme;
- ◇ Reviewing, revising and simplifying the financial disclosure manuals and forms, incorporating the 4 annual return manuals into a single comprehensive document;
- ◇ Finalising redevelopment of the Elections ACT Business Continuity Plan;
- ◇ Reviewing and updating the Commission's information resources, including its printed resources and the Elections ACT website;
- ◇ Reviewing the processes and arrangements for the conduct of the 2011 election of representatives to the Aboriginal and Torres Strait Islander Elected Body;
- ◇ Continuing to contribute to the national review of electoral processes being undertaken by the federal government;

- ◇ Hosting an employee of the Election Commission of Bhutan;
- ◇ Continuing to work with the AEC and the Electoral Council of Australia (ECA) to improve ongoing electoral roll maintenance procedures;
- ◇ Pursuing Continuous Roll Update (CRU) initiatives, including obtaining data from a comprehensive range of ACT agencies;
- ◇ Continuing the Commission's non-parliamentary election program, conducting 8 health professionals board elections and 3 fee-for-service ballots;
- ◇ Assisting with the conduct of 7 interstate elections, including issuing votes for the general elections for the States of South Australia and Tasmania;
- ◇ Providing a full-time electoral inquiry service over the counter, by phone, by email and by post; and
- ◇ Continuing the schools based electoral education program.

Outlook

During 2010/2011 the Commission and Elections ACT will continue its planning for the 2012 Legislative Assembly election.

The main area of focus in this planning will continue to be the re-development of Elections ACT ICT election systems, for which funding was provided in the 2009/2010 Budget.

During 2010/2011 the concentration of effort will be on:

- ◇ developing an on-line voting system for use in non-parliamentary ballots, especially the enterprise agreement ballots that are expected to take place during the year;
- ◇ upgrading eVACs®, the electronic voting and counting system;
- ◇ developing a new electronic roll mark-off system;
- ◇ upgrading the election results system, including the tally room display; and
- ◇ enhancing the scanning of ballot papers system.

System specifications were completed or were in draft form for each of these systems at the end of 2009/2010. The next stage will be to contract the work and commence the software development or upgrade, as appropriate.

Elections ACT will also continue its usual electoral education, non-parliamentary election and CRU programs. With negotiations for enterprise agreements having commenced in 2009/2010, it is expected that a number of ballots will occur during the reporting year.

A redistribution of electoral boundaries will commence as soon as practicable after 21 October 2010, and would expect to be completed in mid to late 2011. The redistribution process involves an extensive public consultation component.

The financial outlook for the Commission has improved following the successful submission to government for additional recurrent budget funding, enabling the Commission to undertake activities it may not otherwise have been able to fund, including:

- ◇ Producing a revised (post-2008 election) edition of the *Electoral Compendium*; and
- ◇ Conducting research on electoral matters, including taking a lead role in developing, with other ECA members, an on-line repository and discussion website on electoral research.

Other projects to be undertaken will include:

- ◇ Conducting the election of members of the Aboriginal and Torres Strait Islander Elected Body in the first half of 2011;
- ◇ Conducting further audits of compliance with the financial disclosure scheme;
- ◇ Providing advice to Government and Members of the Legislative Assembly on electoral matters as required;
- ◇ Continuing the review and update of the Commission's information resources, including its printed resources and the Elections ACT website;
- ◇ Continuing to contribute to the national review of electoral processes being undertaken by the federal government; and
- ◇ Continuing to work with the AEC and the ECA to improve electoral roll maintenance procedures.

Management discussion and analysis

This section of the report is intended to provide a high level narrative of the financial results and financial health of the Commission. These matters are the responsibility of the Electoral Commissioner, exercising delegations made under the *Financial Management Act 1996* by the chief executive of the JACS portfolio. The Commission, however, also has an interest in the adequacy or otherwise of the budget to the extent that it enables the Commission's functions to be met.

In its 2008/2009 Annual Report, the Commission noted that the budget situation for the Commission was expected to become increasingly difficult over the next few years as efficiency dividends take effect. The continual erosion of the Commission's budget through unfunded increases in salaries and the increasing cost of the joint electoral roll threatened to reach the point where the only option available to the Commission to meet its budget would be to seek additional funding or reduce its salary expenditure.

During 2009/2010 the Commission successfully sought additional funding from Government for the 2010/2011 Budget process, resulting in an increase in the Commission's recurrent budget from 2010/2011, and the inclusion in the Budget's forward year projections of an increased base election budget for the conduct of the 2012 Legislative Assembly election. This additional funding should meet the concerns expressed by the Commission in 2008/2009.

As additional funding was not provided to the Commission in 2009/2010, the Commissioner was required to carefully manage the Commission's expenditure in order to remain within budget.

The funding provided to the Commission is broken down by JACS into expenditure on "variable" and "fixed" items. The Commissioner has direct control over the variable expenses component, with JACS managing the fixed expenses relating to the Commission. Variable expenditure includes salaries, overtime, allowances, leave, superannuation and the operational costs of Elections ACT. Fixed expenses include workers' compensation, office accommodation, cleaning, utilities, insurance and depreciation.

Total expenditure under Electoral Services on variable and fixed items exceeded the budget for 2009/2010 by approximately \$79,000. However, variable expenditure (that part of the Electoral Services budget over which the Commissioner has direct control) was under the budget allocation by approximately \$60,000 (including a saving of \$52,000 in "quarantined" superannuation that was not available for the Commission's use). Fixed expenses exceeded budget allocation by approximately \$140,000, primarily as a result of higher depreciation (\$113,000) which is a non-cash item, and occupancy costs associated with Elections ACT's new office accommodation in the North Building.

This favourable result in the outcome of the variable expenditure was primarily due to the use of the capital funding allocated to the Commission for the upgrade of its election ICT systems. By using Elections ACT permanent staff as project managers for the ICT systems upgrade, Elections ACT was able to reduce the cost of its permanent staff under its recurrent budget. However, this strategy had the effect of reducing staff capacity to undertake normal ongoing tasks, as permanent staff were taken off-line to work on the ICT project. The provision of additional funding for 2010/2011 should enable the Commissioner to employ additional staff to undertake both the additional project work and ongoing tasks.

The Commission's total expenditure in 2009/2010 was approximately \$1,085,000. Details of the Commission's budget and expenditure are included in Table 3 on page 13.

Financial report

The Commission does not have financial reporting obligations under the Financial Management Act. The Commission is included in the JACS portfolio for budgetary purposes. In the departmental structure for 2009/2010, the Commission was included in Output Class 1.6 – Electoral Services.

The financial transactions for the Commission for the year ending 30 June 2010 are formally reported in the consolidated financial statements of the JACS Annual Report. The Commission's financial results have been audited for the purposes of the *Audit Act 1989* as part of the JACS portfolio.

The following table shows the operating costs of the Commission for the reporting year for information purposes only. This table should be read in conjunction with the JACS financial statements shown in its Annual Report. The table does not include JACS corporate overheads charged to electoral services.

Table 3 – Financial summary for 2009/2010

ACT Electoral Commission	Budget \$'000	Actual Outcome \$'000
Revenue		
Government Payment for Outputs	1,006	1,006
Other Revenue	17	21
Total Revenue	1,023	1,027
Expenses		
Employee Expenses	556	535
Superannuation	137	80
Administration Expenses	302	347
Depreciation	11	124
Total Expenses	1,006	1,085¹
Operating Result	17	-58

Note 1: the total shown does not balance with internal figures in the table due to rounding.

The Commission notes that the budgeted total cost included in the 2009/2010 budget papers for electoral services is shown as \$1,140,000. This includes an allocation of \$140,000 for JACS corporate support and other overhead costs. The Commission notes that this expenditure is effectively a notional allocation of JACS corporate overheads across the business units in the portfolio, and that this cost does not necessarily represent actual expenditure on electoral services overheads by the Department.

Statement of performance

The Commission is not required to prepare an annual statement of performance under the Financial Management Act.

Discussion of the Commission's performance indicators is included in this report under Performance indicators on page 6 and under **Analysis of agency performance** from page 15 to page 42.

Strategic Indicators

Reporting against strategic indicators is included in the JACS annual report. The JACS strategic indicators do not relate directly to electoral services.

Analysis of Agency Performance

This section reports on activities undertaken in each key result area in 2009/2010 to achieve the Commission’s goals.

Goal 1 - To conduct high quality elections and referendums

Performance indicator summary

Objectives	Measures	Outcomes
Increase voter turnout at Legislative Assembly elections	Participation rates	Turnout 2008 election: 90.4% Turnout 2004 election: 92.8% Turnout 2001 election: 90.9%
Deliver service within timeline targets	Timelines met	All timelines met
Increase formal voting at Legislative Assembly elections	Formal voting rates	Formal voting 2008 election: 96.2% Formal voting 2004 election: 97.4% Formal voting 2008 election: 96.0%

KEY RESULT AREA 1.1 ELECTIONS FOR THE ACT LEGISLATIVE ASSEMBLY

The conduct of the 2008 ACT Legislative Assembly election

The Commission's review of the conduct of the October 2008 Legislative Assembly election was provided to the Attorney General on 17 September 2009 and tabled in the Legislative Assembly on 15 October 2009.

Copies of the Commission's report can be obtained from the Elections ACT website at **www.elections.act.gov.au/publications/pubelection.html**.

The report provides reporting on and analysis of the conduct of the election. In addition to reporting on the conduct of the 2008 election, the report makes recommendations for changes to electoral legislation with a view to preparations for and the conduct of the 2012 ACT Legislative Assembly election.

Redevelopment of the Commission's Information/ Communication Technology systems

The 2009/2010 Budget included funding for a 4-year program of redevelopment of all the Elections ACT ICT systems.

The re-development of the electronic voting and counting system, eVACS®, will be a major component of that program. In particular, the redevelopment program will ensure that electronic voting will be compatible with contemporary hardware. The election results system will also be redeveloped for the 2012 election with the aim of making the system more robust.

The progress of the redevelopment is detailed under key result area 3.4 – Information/communication technology management, on page 40.

2008 Legislative Assembly election follow-up

Compulsory voting

Voting is compulsory for ACT elections. It is an offence for an enrolled elector to fail to vote at an election without a valid and sufficient reason. The Commission's 2008/2009 annual report included details of the follow-up of electors who appeared to have failed to vote at the 2008 ACT election.

In its 2008/2009 annual report, Elections ACT reported that, at the time of preparing that report, it had been liaising with the ACT Magistrates Court for the issue of summonses to the 496 electors who had failed to reply to the notice of possible prosecution, and to those electors who provided a reason that was taken not to be valid and sufficient and who have not subsequently paid the failure to vote penalty.

During 2009/2010 the follow-up of apparent non-voters continued with the issue of summonses to 478 electors. Following representations from electors, 161 summonses were withdrawn and in 23 cases that had already been heard, application was made to the Court to overturn the conviction. In these cases, the elector had provided a valid and sufficient reason for not voting, albeit very late in the process.

The following table outlines the court action resulting from the 2008 election, compared with the 2004 election. Non-voter processes with respect to the 2008 election have now effectively concluded.

Table 4 – Non-voter court action for the 2004 and 2008 elections

Details	2004	2008
Summonses issued	894	293
Summonses withdrawn	397	183
Convictions	497	317
Convictions overturned	35	23

KEY RESULT AREA 1.2

ELECTION AND REFERENDUM SERVICES TO OTHER AGENCIES

Elections ACT's program of providing election and referendum services for other organisations continued in 2009/2010.

Interstate elections

Elections ACT provided over-the-counter pre-poll voting, postal vote applications, postal ballot papers and enquiry services for interstate electoral authorities in 2009/2010. Details of these elections are shown in Table 5.

No additional costs were incurred by Elections ACT in providing these services.

Issuing votes and handling enquiries for other electoral jurisdictions at election times provide valuable opportunities for training and benchmarking between jurisdictions.

Table 5 – Interstate elections

Election	Polling day	Assistance provided	Votes
Tasmanian Legislative Council election - Pembroke	01/08/2009	Pre-poll voting	0
Western Australia State by-election - Willagee	28/11/2009	Pre-poll voting	0
Victorian State District by-election - Altona	13/02/2010	Pre-poll voting	6
South Australian State General election	20/03/2010	Pre-poll voting	175
Tasmanian House of Assembly election	20/03/2010	Pre-poll voting	26
Tasmanian Legislative Council election - Elwick	30/04/2010	Pre-poll voting	0
New South Wales State by-election - Penrith	19/06/2010	Pre-poll voting	0
Total			207

Statutory and fee-for-service elections

Health professionals board elections

Elections ACT conducts elections for ACT health professionals boards under the *Health Professionals Regulation 2004*. These elections are conducted as postal ballots, generally every 4 years. Elections ACT provided services for eight such elections in 2009/2010. Details of these elections are shown in Table 6.

For health professionals board elections, Elections ACT staff call for candidate nominations and, where the election is contested, send ballot material to eligible practitioners and conduct the count of votes. The health professionals boards are charged on a fee-for-service basis for the conduct of these elections. This enables Elections ACT to fully recover its costs, including permanent staff costs, incurred in running health professionals boards elections.

Table 6 – Health professionals board election

Election	Vacancies	Candidates	Polls closed	Result provided	Votes
ACT Nursing & Midwifery Board – Midwives	1	1	Not contested		
ACT Nursing & Midwifery Board – Nurses	3	4	21/09/09	22/09/09	997
ACT Psychologists Board	2	4	18/11/09	18/11/09	176
ACT Pharmacy Board	3	5	26/11/09	27/11/09	181
ACT Physiotherapists Board	3	0	Not contested		
ACT Dental Board	3	6	26/11/09	27/11/09	122
ACT Optometrists Board	2	2	Not contested		
ACT Veterinary Surgeons Board	3	3	Not contested		
Total	20	25			1476

Fee-for-service electoral services

Elections ACT conducts elections and provides other electoral services for other organisations under its power to provide services for determined fees.

Australian National University elections

Elections ACT assisted with the Australian National University (ANU) Union annual elections and the ANU Students' Association (ANUSA) annual elections in 2009. Details of these elections are shown in Table 7.

Nominations for the ANU Union elections closed on 21 July, polling was conducted from 3 to 6 August and the results were determined on 6 August.

For the ANUSA elections, nominations closed on 5 August, polling was from 17 August to 20 August and final results were determined on 26 August.

For these elections, Elections ACT provided assistance with receipt and checking of nominations, preparation and printing of ballot papers, operation of polling places at the ANU and the conduct of the count.

Table 7 – Australian National University elections

Election	Vacancies	Candidates	Votes
Election of 4 ANU Union directors, August 2009	4	8	1979
ANU Students' Association annual elections, August 2009	43	173	2014
Total	47	181	3993

Other elections

Elections ACT conducted an election for the Board of Directors of the National Press Club in November 2009. Details of this election are shown in the following table.

Table 8 – Other elections

Election	Vacancies	Candidates	Polls closed	Result provided	Votes
National Press Club - Board of Directors	4	6	12/11/2009	12/11/2009	225
Total	4	6			225

Internet resources

A series of documents to guide organisations through their own elections is available on the Elections ACT website and include:

- ◇ Principles for conducting elections;
- ◇ Sample electoral regulations;
- ◇ Pro-forma ballot papers; and
- ◇ Scrutiny sheets on a spreadsheet where a Hare-Clark count can be calculated automatically.

Goal 2 - To provide high quality electoral information, education, advice and services

Performance indicator summary

Objectives	Measures	Outcomes
Maintain high client satisfaction	Feedback from clients/electors	All electoral education and fee-for-service election clients expressed satisfaction.
Manage registration of political parties	Statutory requirements met	Statutory requirements met.
Redraw electoral boundaries for each election	Statutory requirements met	There were no redistributions commenced or concluded in the reporting period. The next redistribution will commence as soon as practicable after 21 October 2010.

KEY RESULT AREA 2.1

ELECTORAL INFORMATION AND ADVICE

Information service

Elections ACT provides an ongoing information service to the general public through:

- ◇ Providing information in person over the counter, by telephone or by email;
- ◇ Publishing a range of information booklets and pamphlets;
- ◇ Answering written correspondence; and
- ◇ Maintaining a comprehensive website.

Publications

The following items were published in 2009/2010:

- ◇ *Report on the ACT Legislative Assembly Election 2008*;
- ◇ *ACT Electoral Commission Annual Report 2008/2009*; and
- ◇ Updated funding and disclosure information booklet covering responsibilities of political parties, associated entities, MLAs and third parties together with the related forms.

In addition, the following are available from the Commission:

- ◇ *ACT Electoral Commission Electoral Compendium 1989–2006*;
- ◇ Two workbooks entitled *What is the ACT Legislative Assembly?* for primary and secondary school students visiting the Legislative Assembly (November 1999);
- ◇ *ACT Electoral Commission Annual Reports* since 1992/1993;
- ◇ *Election Statistics* for the 1992, 1995, 1998, 2001, 2004 and 2008 elections;
- ◇ *Review of the Electoral Act 1992* for the 1995, 1998, 2001 and 2004 elections;
- ◇ *The 2001 ACT Legislative Assembly Election: Electronic Voting and Counting System Review*;
- ◇ *The 2004 ACT Legislative Assembly Election: Electronic Voting and Counting System Review*;
- ◇ Electronic voting data from the 2001, 2004 and 2008 ACT elections on CD-ROM (on request and payment of fee);
- ◇ Electronic voting data from the 2008 ACT election is also available for free downloading from the Elections ACT website;
- ◇ *Customer commitment statement*;
- ◇ *Freedom of information statements*;
- ◇ Information brochure on voting in the ACT for new citizens;
- ◇ Maps of ACT electorates;
- ◇ Various electoral enrolment and voting forms;

- ◇ Information *Fact Sheets*; and
- ◇ Redistribution reports, public submissions and statistics for the 1992, 1996, 2000, 2003 and 2007 redistributions.

Internet

The Elections ACT website address is **www.elections.act.gov.au**. This website continued to be maintained and updated in 2009/2010.

Information and services provided on the website in 2009/2010 included:

- ◇ General information about Elections ACT;
- ◇ Details of past ACT Legislative Assembly elections, casual vacancies and referendums;
- ◇ Information and submissions regarding electoral boundaries;
- ◇ Media releases;
- ◇ The party register, including details on the registration of political parties;
- ◇ Information on the funding and disclosure scheme, including downloadable copies of returns;
- ◇ Information for organisations wishing to run their own elections;
- ◇ Information for schools to run their own elections;
- ◇ A link to the AEC electoral enrolment forms, and other enrolment information;
- ◇ Printable copies of the Commission's publications; and
- ◇ Links to electoral legislation, other electoral bodies and ACT agencies.

Advice

Providing advice to the Attorney General, Assembly Committees and other MLAs is one of the Commission's most significant tasks. The Commission also provides advice to visiting delegations from other jurisdictions and other countries, makes submissions to Commonwealth parliamentary inquiries and gives presentations at conferences. Examples of advice provided during the year include:

- ◇ Advising the Government and Legislative Assembly Members on matters related to the Electoral Act;
- ◇ Appearing before the Select Committee on Estimates;
- ◇ Appearing before the Standing Committee on Legal Affairs in relation to the Commission's 2008/2009 annual report;
- ◇ Making a submission to the Standing Committee on Justice and Community Safety inquiry into Campaign Finance Reform, and appearing at a hearing before the Committee;
- ◇ Providing comments on the Commonwealth Green Paper No. 2 with respect to electoral reform; and
- ◇ Hosting a delegate of the Election Commission of Bhutan.

Electoral Legislation

In 2009/2010 the Commission provided the Government with advice on several issues that related to the ACT's electoral legislation. These issues included the Commonwealth's Commonwealth Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010, introduced into the Australian parliament in February 2010, and the Legislative Assembly's inquiry into Campaign Finance Reform.

The Commonwealth also introduced four further electoral related bills into the Australian parliament on 2 June 2010. Some of the provisions of the February 2010 bill were also included in these four new bills. Two of the four bills include provisions that have a direct impact on ACT electors. These two bills are:

- ◇ The Electoral and Referendum Amendment (Pre-poll Voting and other Measures) Bill 2010 (the Pre-Poll Bill); and
- ◇ The Electoral and Referendum Amendment (Modernisation and other Measures) Bill 2010 (the Modernisation Bill).

These two bills were subsequently passed by the Australian Parliament on 17 June and 24 June 2010, respectively. Neither bill had been enacted by the end of the reporting period.

The Pre-Poll Bill includes a provision that allows for the on-line update of enrolment by electors who are currently enrolled and need to change their enrolled address. This provision will automatically apply to electors enrolling for ACT Legislative Assembly elections.

The Modernisation Bill includes a provision that allows for the provisional enrolment of 16 year olds (who will not be able to vote until they turn 18). This provision will also apply to ACT electors.

Only one set of amendments to the ACT's Electoral Act was passed by the Legislative Assembly in 2009/2010.

The ACT *Surveyors Amendment Act 2010* made amendments to the Electoral Act by replacing references to the chief surveyor with references to the surveyor-general. The amendments took effect on 3 March 2010.

An amendment to the *Electoral Regulation 1993* was also made during the year. The regulation reduced the amount of information required to be provided by an associated entity in its annual returns under section 231B of the Electoral Act 1992 by excluding the requirement for disclosure of the names and addresses of members where the membership fee is less than \$50 per financial year.

KEY RESULT AREA 2.2 ELECTORAL ENROLMENT

Joint roll arrangement

Under the ACT/Commonwealth joint roll arrangement the AEC maintains a joint electoral roll for Commonwealth and ACT purposes. The ACT Electoral Commissioner and the Australian Electoral Officer for New South Wales constitute a Joint Management Committee, which oversees the operation of the joint roll arrangement.

The Commissioner pays the AEC a yearly fee for maintaining the joint roll. This fee is adjusted yearly for CPI and enrolment changes, and is due to be renegotiated every 3 years. Negotiations on revising the joint roll fee were concluded during 2009/2010 for the period from 2009/2010 to 2011/2012. A fee of \$0.69893 per elector (up from \$0.6885 per elector in 2008/2009) was set for 2009/2010. Joint roll payments for the year totalled \$172,026 (excluding GST). The new rate was calculated by dividing the average of actual costs incurred over previous years by the number of electors on the roll at 30 June 2009, and then halving that figure (these costs are shared with the AEC).

Continuous Roll Update

CRU is the term used to describe a range of methods used to update the electoral roll. These methods are described in detail in the Commission's *Annual Report 2002/2003*. CRU was introduced nationally in 1999.

Change of address data provided by Centrelink, Australia Post, the Office of Regulatory Services (rental bond and death data), the ACT Motor Registry, the ACT Board of Senior Secondary Studies and ActewAGL continued to be used in 2009/2010 to generate letters to households where electors may need to update their enrolment. This constituted the main enrolment stimulation activity during 2009/2010, supplemented with targeted activity such as:

- ◇ Sending birthday cards to 17 and 18 year olds on a weekly basis inviting them to enrol;
- ◇ The national enrol to vote week from 27 July to 2 August 2009; and
- ◇ The national enrol to vote week from 17 to 23 May 2010.

With the next federal election expected in the second half of 2010, the AEC highlighted that there were approximately 1.4 million people who were not on the national electoral roll, including approximately 15,000 in the ACT. It is expected that the 21 August 2010 federal election will provide a stimulus for people to enrol or update their enrolment.

Two amendments made by the Commonwealth government to the *Commonwealth Electoral Act 1918* in June 2010, but not implemented as at 30 June 2010, will impact on the enrolment of electors on the ACT electoral roll.

The first amendment will enable those electors already enrolled to update their address on the roll by electronic means. In practice, this will mean that they will be able to update their address on-line at the AEC website. It is anticipated that this facility will result in a more accurate roll, as it will be a much easier and quicker method for electors to update their address than the current requirement to fill in, sign and post or fax an enrolment form.

The second amendment will allow for the provisional enrolment of 16 year olds on the

electoral roll. Currently 17 year olds can enrol and then vote once they turn 18. Allowing 16 year olds to enrol (but not vote until they are 18) will enhance the ability of the AEC and the ACT Electoral Commission to target young people in schools, other educational institutions and at youth events. This initiative is aimed at addressing the under-enrolment of young people.

Completeness and accuracy of the ACT electoral roll

As noted in the 2008/2009 annual report, the percentage turnout of voters for the 2008 election (90.4%) was less than the performance target (92.0%) and the turnout for the 2004 election (92.8%). The annual report also noted that voter turnout is currently measured by comparing the number of voters with the number of electors on the electoral roll, and that it is apparent that the turnout result is dependent to a large extent on the accuracy and completeness of the electoral roll. At the same time the Commission recognises that the estimated number of eligible citizens is also subject to the limitations of the input data for such estimates.

That annual report also reflected on indications that this apparent drop in voter participation was due in part to a change in roll management practices adopted by the AEC in 2007. That change was the adoption by the AEC of a policy of delaying the removal of electors from the roll where the AEC was aware that an elector had left their enrolled address, while attempting to contact the elector at their new address and secure an updated enrolment at that new address. Before this policy was introduced, electors were more likely to be removed from the roll earlier where the AEC was aware the elector had left their address. As a result of that policy change, it appeared that the roll for the 2008 election may have been inflated with the names of electors who had left the ACT, but who in past years would have been removed from the rolls before the election.

These indications as reported in the 2008/2009 annual report appear to have been confirmed with over 10,500 being removed from the roll in 2009/2010 as having left their address. This large number of deletions, together with the usual cyclical post-election (both federal and ACT) year reduction in additions to the roll has resulted in a decline in enrolment between 30 June 2009 and 30 June 2010, both in actual numbers and in percentage enrolment terms. While on the surface this appears to be a poor result, it should be remembered that the enrolment figures appear to have been inflated at the 2008 ACT election and at 30 June 2009. The result may be a return to a more normal position at 30 June 2010. However, the percentage enrolment of 93.6% at 30 June 2010 does not meet the expected target of 95%. This is reflective of the national trend of general under-enrolment, although the ACT result is better than the national average.

The following table shows actual enrolment figures by age group as at 19 September 2008 (the date of the close of rolls for the 2008 Legislative Assembly election), 30 June 2009 and 30 June 2010, compared to estimates of the eligible population in those groups. The eligible population excludes estimated numbers of non-citizens and other people ineligible to enrol in the ACT.

The ACT roll has declined from 245,024 at 30 June 2009 to 242,415 at 30 June 2010. The percentage enrolment has declined from 97.0% to 93.6%.

The table indicates that the proportion of 18 year-olds enrolled in the ACT has decreased from a high of 79.9% at the close of rolls for the 2008 election (after increasing from 61.0% at 30 June 2008) to 60.5% at 30 June 2009, to 69.3% at 30 June 2010, although this latter figure is an improvement on 30 June 2009. This outcome is consistent with observed trends that indicate that high proportions of young people do not enrol unless an election is imminent. It is probable that the increase in participation observed in 2010

was due in part to increased publicity of the likelihood of a federal election being held later in 2010.

The percentage of enrolment in every age group, except for 18 year olds, has declined from 30 June 2009 and 30 June 2010. This is indicative of the high level of enrolment following the federal election in November 2007 which was reflected in the close of rolls figures, and the enrolment stimulation activities undertaken throughout calendar year 2008 prior to the 2008 ACT election, and the low enrolment stimulation activity following the ACT Legislative Assembly election in 2008. As noted above, it also reflects the change of policy by the AEC not to remove people from the roll until attempts had been made to contact them to update their enrolment, with a large number of those being removed from the roll in 2009/2010.

Table 9 – Enrolment by age group 2008-2009

Age group	19 September 2008 ¹		30 June 2009		30 June 2010	
	Number enrolled	% of estimated entitled to enrol	Number enrolled and entitled to vote	% of estimated entitled to enrol	Number enrolled	% of estimated entitled to enrol
17 ²			1,103	24.6%	767	18.5%
18	3,850 ³	79.9%	2,859	60.5%	3,131	69.3%
19	4,453	85.4%	4,118	84.9%	3,665	76.2%
20-24	24,078	91.1%	23,969	91.9%	22,520	86.6%
25-29	24,844	94.3%	25,242	94.7%	24,315	88.5%
30-34	23,249	97.4%	23,439	99.9%	22,647	94.1%
35-39	25,030	98.4%	25,144	96.9%	24,389	93.5%
40-44	22,829	98.4%	22,851	98.9%	22,857	98.7%
45-49	23,618	98.3%	23,665	98.2%	23,139	96.0%
50-54	21,819	100.0%	22,061	101.6%	22,203	97.7%
55-59	20,418	101.2%	20,461	101.5%	20,093	98.6%
60-64	16,647	100.7%	17,368	101.0%	18,044	97.8%
65-69	10,716	100.3%	11,177	100.7%	11,734	96.9%
70+	21,920	99.6%	22,670	97.0%	23,678	94.7%
Total	243,471	97.1%	245,024	97.0%	242,415	93.6%

Note 1: 19 September 2008 was the date of the close of rolls for the 2008 Legislative Assembly election.

Note 2: As 17 year old enrolment is voluntary, the number of 17 year olds and the percentage of those eligible for this age group are not included in the calculation of the total for the ACT for 30 June 2009 and 2010.

Note 3: This includes 266 17 year old electors who turned 18 after the close of rolls and on or before polling day, and were therefore entitled to vote. There were other 17 year olds enrolled at this date, but who were not 18 years old on or before polling day – these electors are not included in this column.

The percentages in the above table showing the proportion of electors who are actually enrolled compared to the estimated number of people eligible to enrol need to be treated with caution as they are based on various assumptions about residency and eligibility. The estimates for the 2 years shown are post-censal estimates based on 2006 census data updated by birth and death registrations, and estimated interstate and overseas migration. The fact that some age groups show participation rates greater than 100% is

likely to be due to the nature of the estimates, and because the AEC delays the removal of people from the roll, where it has information that people may have left their enrolled address, pending further investigation of these enrolments.

Electoral Council of Australia

The ECA is a consultative council of Electoral Commissioners from the electoral authorities of the Commonwealth, States and Territories.

The ECA considers issues related to the maintenance of the electoral rolls, the operation of new electoral legislation, best practice in the management of elections and other matters of common interest. The ACT Electoral Commissioner attended 2 of the 3 meetings held during 2009/2010, while the Deputy Electoral Commissioner attended the third.

Main issues discussed by the ECA in 2009/2010 included the management of the joint electoral rolls, the continuing Commonwealth Government's green paper process aimed at a joint Commonwealth, State and Territory approach to reforming and modernising electoral processes, and opportunities for cooperation between jurisdictions, particularly with respect to research.

State and Territory Electoral Commissioners meetings

Since 2007 the State and Territory Electoral Commissioners have convened their own forum to:

- ◇ discuss and consider electoral policy and operational matters of mutual interest;
- ◇ promote best practice electoral administration by considering policies and procedures within Australia and overseas electoral jurisdictions;
- ◇ promote and/or undertake research into contemporary electoral issues aimed at improving access and equality for all eligible electors;
- ◇ encourage mutual and co-operative development and sharing of information technology electoral administration systems and intellectual property associated with such systems and procedures to minimise costs to each member;
- ◇ publish or distribute any reports or research and may seek input from any person or organisation that it considers appropriate; and
- ◇ work co-operatively with the Electoral Council of Australia (ECA) on relevant matters.

The State and Territory Electoral Commissioners met twice in 2009/2010. Issues discussed included electronic electoral rolls in polling places, web-based training of polling officials, performance assessment and recruitment of polling officials.

KEY RESULT AREA 2.3 ELECTORAL EDUCATION

Electoral education program

The key objectives of the Commission's electoral education program are:

- ◇ To ensure that the voters of the ACT know at election time when the election is to be held, where and when they can vote, how to vote and when a timely, accurate and transparent result is expected; and
- ◇ To facilitate school and community programs that place elections within a civics and citizenship framework, illustrate the process of the Hare-Clark electoral system and encourage enrolment.

Elections ACT staff provide ongoing electoral education to school, community and professional groups. This activity is aimed primarily at raising community awareness of the ACT's electoral system. Sessions include mock elections for school and community groups, conduct of school representative council elections and public service seminars.

Elections ACT has a dedicated electoral education/information officer with formal teaching qualifications. Other Elections ACT staff also assist with the conduct of electoral education sessions.

The Commission's education sessions are often conducted in cooperation with the Legislative Assembly Education Officer at the Assembly. Participants at these sessions are shown how the Members of the Legislative Assembly are elected and how the Assembly functions. The Assembly has prepared audio-visual material that includes material on the electoral system. An education session can be taken into schools using these same materials.

The following table lists electoral education sessions conducted by Elections ACT staff in 2008/2009 and 2009/2010.

Table 10 – Electoral education sessions

Organisation type	Number of participants 2008/2009	Number of participants 2009/2010
Colleges	105	190
Community Groups	179	40
High Schools	210	260
Primary Schools	206	240
Professional Groups	150	31
Total	850	761

In addition to conducting face-to-face education sessions, Elections ACT has developed a range of printed electoral education resources for distribution to schools and community groups. This material is primarily aimed at providing teachers with the ability to conduct electoral education in their own classrooms. This service is a contribution to an Australia-wide incorporation of electoral education and civics education into compulsory school curricula.

All electoral education material is available from the Elections ACT website.

A campaign to encourage secondary schools to elect members to their Student Representative Council by conducting their own elections using the Hare-Clark system

continued in 2009/2010.

A series of documents is available on the website to guide teachers through the electoral process so they can run their own school elections. The documents include:

- ◇ Instructions on the election process, the voting system, election day and counting the votes;
- ◇ A nomination form;
- ◇ Ballot papers; and
- ◇ A scrutiny sheet that calculates the Hare-Clark system automatically.

The Commission's education program is promoted, in conjunction with the Legislative Assembly, by direct mail-out to schools and by referral from other organisations. A review of the program commenced in 2009/2010 and is expected to conclude in 2010/2011.

Elections ACT continued its relationship with the ACT Department of Education and Training in the area of curriculum development. A new curriculum framework was implemented in ACT schools in 2008 including a detailed Essential Learning Achievement titled "*The student understands and values what it means to be a citizen within a democracy*". Information on Elections ACT education resources and education services was presented to a Teachers' Professional Development Day attended by teachers from four colleges and to the Studies of Society and Environment (SOSE) Teachers' Network to assist teachers in programming for this Essential Learning Achievement.

KEY RESULT AREA 2.4

OTHER ELECTORAL STATUTORY REQUIREMENTS

Registration of political parties

The Electoral Commissioner keeps the register of political parties for the purposes of ACT Legislative Assembly elections.

At 1 July 2009, there were 9 parties on the register of political parties.

The Electoral Act provides that the Commissioner must cancel the registration of a party on the request of the secretary of the party. Two registered parties requested deregistration during the reporting year.

In a letter to the Commissioner dated 20 October 2009, the secretary of the Richard Mulcahy Canberra Party requested that the party be removed from the list of registered parties for the ACT. The necessary instrument was prepared and the cancellation of the registration of the party took effect from 20 November 2009.

In a letter to the Commissioner dated 28 January 2010, the secretary of Free Range Canberra requested that the party be deregistered in the ACT. The necessary instrument was prepared and the cancellation of the registration of the party took effect from 5 February 2010.

An application to change the name of the registered officer of the Australian Labor Party (ACT Branch) was received during the reporting year. The application was publicly notified, as required by the Electoral Act, inviting any objections to the change. As no objections were received, the register of political parties was amended accordingly. There were no other changes to the register of political parties during the year.

As at 30 June 2010, the following 7 parties were listed on the register of political parties.

Table 11 – Registered political parties as at 30 June 2010

Party name	Party abbreviation
Australian Labor Party (ACT Branch)	Australian Labor Party
Australian Motorist Party	A.M.P.
Liberal Democratic Party	Liberal Democrats
Liberal Party of Australia (A.C.T. Division)	Canberra Liberals
Pangallo Independents Party	Pangallo Independents
The ACT Greens	The Greens
The Community Alliance Party (ACT)	Community Alliance

Funding and disclosure scheme

Election funding

The ACT scheme for public funding is a formula based direct entitlement scheme, involving automatic payments to parties and candidates calculated by multiplying the total number of first preference votes received by a prescribed amount, adjusted each six months by the all groups consumer price index issued by the Australian Bureau of Statistics. The prescribed amount for the 2008 election was 147.722 cents per eligible vote. The amount that applied for the July 2009 to December 2009 period was 151.365 cents per eligible vote, for the January to June 2010 period was 153.551 cents per eligible vote, and for the July to December 2010 period is 155.737 cents per eligible vote.

There were no public funding payments made in the 2009/2010 year.

Annual returns

Under the funding and disclosure provisions of the Electoral Act, registered political parties, MLAs and associated entities were required to lodge an annual return for the 2008/2009 financial year by October 2009. As 2009 was not an election year, persons who donated more than \$1000 to a party, MLA or associated entity were required to lodge their annual returns by November 2009.

For the 2008/2009 financial year, 9 annual returns were received from political parties, 25 from MLAs, 1 from an associated entity and 72 from donors. Of the 25 returns from MLAs, 8 were from former Members who were either not elected at, or did not contest, the 2008 election.

These returns were made public on 2 February 2010. Copies of the returns can be viewed at the Elections ACT website.

The following table shows a summary of the receipts, payments and debts for the 3 parliamentary parties and other parties for the 2007/2008 and 2008/2009 financial years.

Table 12 – Summary of receipts, payments and debts of ACT registered parties from annual returns

Party	2007/2008			2008/2009		
	Receipts	Payments	Debts	Receipts	Payments	Debts
ALP	\$1,183,748	\$802,740	\$24,929	\$1,286,311	\$2,179,795	\$10,768
LP	\$967,823	\$895,075	\$11,428	\$1,037,540	\$1,271,655	\$208,368
Greens	\$410,939	\$304,992	\$14,025	\$200,837	\$267,606	\$1,029
Other	\$23,033	\$3,615	\$195	\$141,570	\$150,204	0
TOTAL	\$2,585,543	\$2,006,422	\$50,577	\$2,666,258	\$3,869,260	\$220,165

Note 2008/2009 figures are subject to updating following audits underway at the time of reporting.

The total of receipts and of payments for 2008/2009 are the largest amounts in these categories since reporting began. The highest totals of receipts generally occur during the financial year that includes an Assembly election or a federal election.

The following tables show the totals of receipts, payments and debts for ACT election financial years since 1994/1995.

Table 13 - Summary of receipts of registered parties from annual returns for ACT election years

Party	1994/1995	1997/1998	2001/2002	2004/2005	2008/2009
ALP	676,883	652,511	1,038,445	988,905	1,286,311
LP	453,499	574,944	981,884	1,090,667	1,037,540
Greens	72,335	100,209	165,550	274,699	200,837
Other	23,973	78,832	190,135	35,368	141,570

Table 14 - Summary of payments made by registered parties from annual returns for ACT election years

Party	1994/1995	1997/1998	2001/2002	2004/2005	2008/2009
ALP	578,556	694,311	902,577	1,320,432	2,179,795
LP	426,481	590,613	868,538	1,048,712	1,271,655
Greens	73,258	115,942	144,568	295,464	267,606
Other	26,043	82,538	171,338	62,577	150,204

Table 15 - Summary of debts of registered parties from annual returns for ACT election years

Party	1994/1995	1997/1998	2001/2002	2004/2005	2008/2009
ALP	14,897	14,165	14,411	4,274	10,768
LP	139,875	77,438	458,919	122,329	208,368
Greens	8,288	14,413	4,747	15,338	1,029
Other	1,223	5,276	184	0	0

Public funding of parties compared to private funding

The following table shows the sources of funding by the three parliamentary parties for the 2007/2008 and 2008/2009 financial years, broken down into private and public funding, and the private funding further broken down into those funds for which the donor is disclosed and the amount for which the donor is not disclosed.

Table 16 – Source of funding received by the Australian Labor Party, the Liberal Party and The ACT Greens

2007/08	ALP		LP		Greens	
	Amount	% of total received	Amount	% of total received	Amount	% of total received
Total received	\$1,183,748		\$967,823		\$410,939	
Private	\$1,183,748	100.0%	\$967,823	100.0%	\$244,939	59.6%
Public	0		0		\$166,000	40.4%
Private – disclosed	\$716,095	60.5%	\$228,327	23.6%	\$77,550	18.9%
Private – undisclosed	\$467,653	39.5%	\$739,496	76.4%	\$167,389	40.7%
2008/09	ALP		LP		Greens	
	Amount	% of total received	Amount	% of total received	Amount	% of total received
Total received	\$1,334,279		\$1,037,539		\$200,837	
Private	\$1,213,392	90.9%	\$938,781	90.5%	\$150,255	74.8%
Public	\$120,866	9.1%	\$98,759	9.5%	\$50,582	25.2%
Private – disclosed	\$1,029,995	77.2%	\$314,343	30.3%	\$25,359	12.6%
Private – undisclosed	\$183,397	13.8%	\$624,438	60.2%	\$124,896	62.2%

Note 1: The disclosure threshold for 2007/2008 was \$1,500 and for 2008/09 was \$1,000

Note 2: Public funding is received from the ACT or Australian Electoral Commissions under relevant public funding schemes

Note 3: Private funding – disclosed is the total amount declared where the person making the payment, and the amount, is disclosed

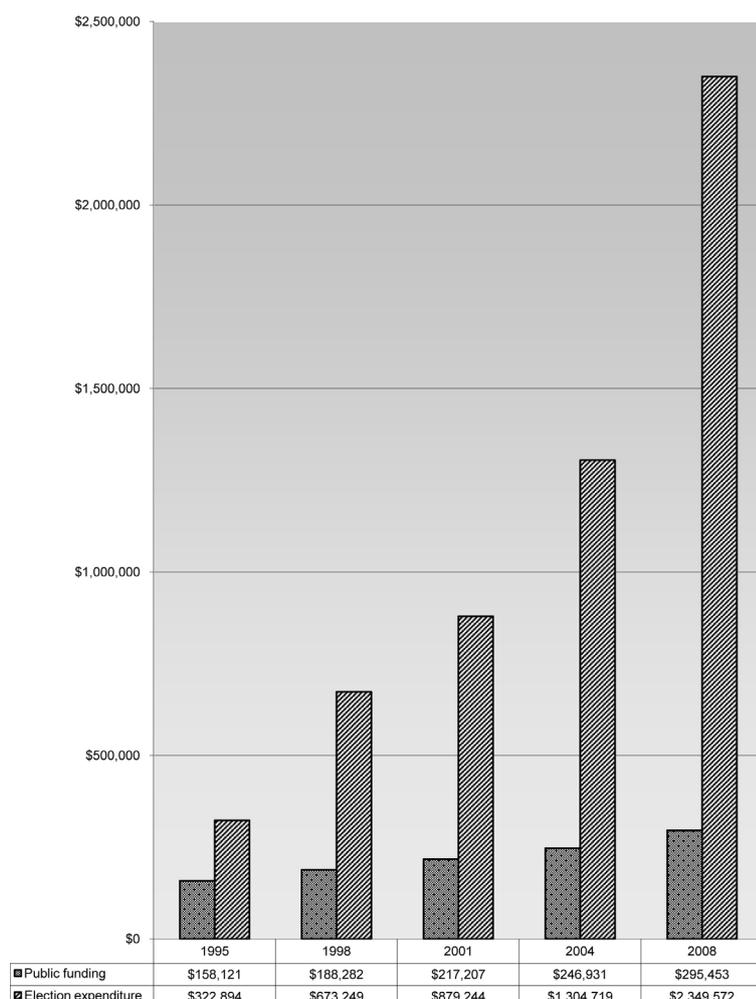
Note 3: Private funding – undisclosed is the total amount declared where the person making the payment, and the amount, is not disclosed

The information in the above table demonstrates that there is a substantial amount of funding received by the registered parties with respect to which the donor is not known. Audits of party returns show that much of this amount is made up of small donations, parliamentary levies, membership fees and fundraising activities where the individual amounts paid are less than the disclosure threshold. Parties are required to disclose only the identity of those people/organisations making individual payments of \$1,000 or more as a single amount. However, some of the amounts received are from people/organisations making a number of payments of less than the threshold that when summed add to more than the threshold. If these payments that sum to more than \$1,000 are donations, the donor is required to lodge a return with the Commissioner.

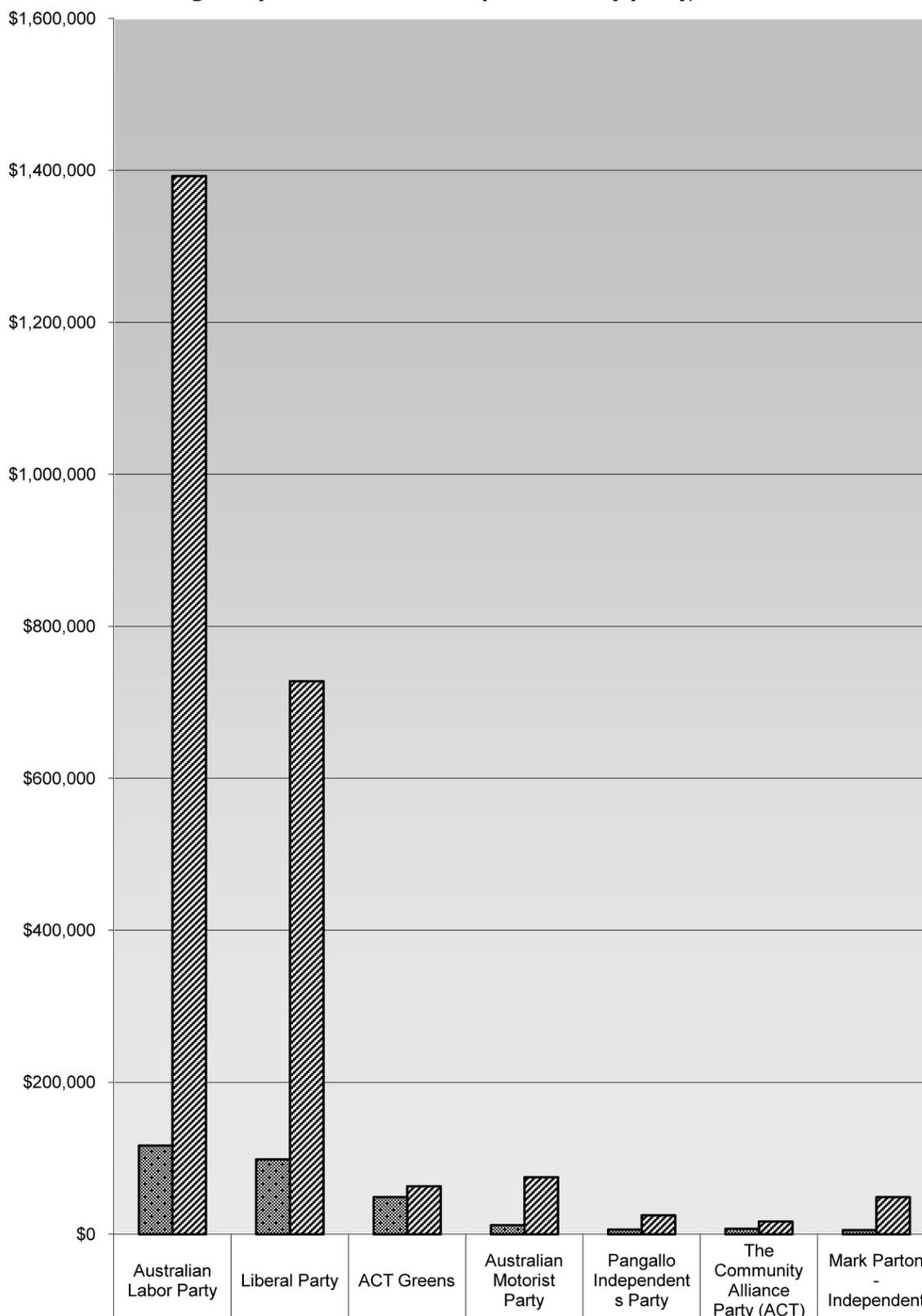
The Commission observes that the aggregate level of public funding provided to political parties and candidates (based on a payment per vote) has lagged well behind aggregate actual declared expenditure on election campaigning. While there are significant differences between parties, in general, expenditure by the major parties has grown much more rapidly than public funding, but for smaller parties and independents public funding can still provide a significant proportion of their funding. The Commission notes that Graphs 1 and 2 below show that, particularly at the most recent elections, the level of public funding provided has been considerably outstripped by the level of expenditure in most cases. Graph 1 shows a graphical comparison of the overall public funding payments and election expenditure at ACT elections from 1995 to 2008. This Graph indicates that the gap between public funding provided and expenditure incurred has increased dramatically over time, with this gap growing from \$164,773 in 1995 to \$2,054,119 in 2008. Graph 2 shows a graphical comparison of the public funding received by each party and candidate at the 2008 election compared to their declared expenditure. This Graph shows that the bulk of the expenditure undertaken in addition to the public funding provided was made by the Australian Labor Party and the Liberal Party.

More detailed information and analysis is in the Commission’s *Report on the ACT Legislative Assembly Election – 2008*, which is available from the Commission’s website at www.elections.act.gov.au.

Graph 1 – Total public funding compared to election expenditure, 1995-2008 elections



Graph 2 – Public funding compared to election expenditure by party, 2008 election



Public funding	\$116,887	\$98,760	\$48,832	\$11,968	\$6,281	\$7,134	\$5,591
Election expenditure	\$1,392,643	\$727,767	\$63,282	\$75,235	\$25,059	\$16,808	\$48,779

Audit of 2008/2009 annual returns

In early 2010 the Commissioner engaged auditors to undertake an audit of the 2008/2009 annual returns of the Australian Labor Party (ACT Branch), the Liberal Party of Australia (A.C.T. Division), The ACT Greens and the Canberra Labor Club. As at 30 June 2010 a draft report of the audit had been received. While some matters identified in the draft report required follow-up by the auditors, and by the parties and the Canberra Labor Club, the matters are not of a nature that would lead the Commissioner to consider further action.

Redistribution of electoral boundaries

The Electoral Act requires a redistribution of ACT Legislative Assembly electoral boundaries to commence as soon as practicable after the start of the period 2 years before each scheduled general election for the Assembly.

The most recent redistribution of boundaries was completed in September 2007 and the boundaries determined were those used at the 2008 election.

The next redistribution is due to commence as soon as practical after 21 October 2010.

Goal 3- To support high quality electoral services by effective management

Performance indicator summary

Objectives	Measures	Outcomes
Manage costs within budget allocations	Budget met	Overall expenditure exceeded budget by 9%; however variable expenditure controlled by the Commissioner was within budget
Maintain high staff satisfaction	Performance management feedback	High staff satisfaction reported
Manage and improve IT business systems	Absence of IT business systems failures	No IT business systems failures

KEY RESULT AREA 3.1

HUMAN RESOURCES MANAGEMENT

Continuous improvement

Elections ACT endeavours to foster an environment of continuous improvement and strives to provide satisfying work and development opportunities for its staff.

Permanent staff are encouraged to pursue secondments to other agencies to contribute to international, interstate and national electoral projects and to develop new skills through on-the-job training and external training courses.

During 2009/2010, Elections ACT staff had several opportunities to undertake a range of learning and development activities (see **Learning and Development** on page 56).

Elections ACT also uses industrial democracy to enhance the quality of work for Elections ACT staff. As Elections ACT is a small organisation, all staff meet in regular forums to participate in decision-making processes. These include regular staff meetings and corporate and strategic planning workshops.

In early 2009/2010, Elections ACT staff held a planning session focusing on forward planning for the next four years. Further planning sessions were held to review and update this plan.

Planning sessions were also held to begin the processes for the redevelopment of the Elections ACT ICT business systems, capital funding for which was provided in the 2009/2010 Budget.

All Elections ACT staff had a performance management plan for 2009/2010. The plans incorporated a formal review schedule, with one-on-one performance reviews.

For further information on human resources management in Elections ACT and in particular staff improvement and development opportunities, see pages 53 to 56.

KEY RESULT AREA 3.2

FINANCIAL MANAGEMENT

The Commission is included in the JACS portfolio for budgetary purposes. However, the Commission continues to manage and monitor its internal operating budget performance. In 2009/2010, the Commission's expenditure was over budget by approximately \$79,000.

Analysis of the Commission's budget performance in 2009/2010 is included above under **Management discussion and analysis** on page 12.

The Shared Services Unit of the Department of Treasury has responsibility for processing all the Commission's finances on the Commission's behalf.

See **Financial report** on page 13 for more information on the Commission's finances.

KEY RESULT AREA 3.3 RECORDS MANAGEMENT

As required by the *Territory Records Act 2002*, Elections ACT has in place a records management program.

Elections ACT has an identified Records Management Policy that has been approved by the Electoral Commissioner as the agency's Principal Officer. Records management procedures have been created and implemented. Appropriate training has been provided to staff.

Elections ACT has its own internal files as well as ACT Registry Files.

All active files, including internal and ACT Registry files, are stored within the Elections ACT office. Inactive files that are to be stored long-term in accordance with the Commission's Records Disposal Schedule are archived by ACT Registry. An in-house database records the names and details of all files held by Elections ACT.

Elections ACT's electronic records are stored on a centralised server maintained by InTACT, the ACT Government information technology management agency. InTACT is responsible for backing-up Elections ACT's data.

Elections ACT does not create or hold records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage.

The Elections ACT Records Disposal Schedule is listed on the ACT Legislation Register as follows:

Table 17 – Records disposal schedule

Records Disposal Schedule Name	Effective	Year and No.
Territory Records (Records Disposal Schedule - Electoral Records)	Approval 18 June 2004	NI2004-178

KEY RESULT AREA 3.4 INFORMATION/COMMUNICATION TECHNOLOGY MANAGEMENT

ICT applications

Since the conduct of the Commission's first election in 1995, Elections ACT has progressively introduced a range of information and communications technologies aimed at better, faster electoral services to the ACT community. Elections ACT has led Australia in the adoption of many electoral ICT innovations, notably the electronic voting and counting system introduced at the 2001 election and the ballot paper scanning system introduced at the 2008 election.

Elections ACT continues to maintain a wide range of databases and other ICT applications. In 2009/2010, Elections ACT, working closely with InTACT, commenced a review of all current ICT business systems in preparation for a series of redevelopment and upgrade projects aimed at preparing the suite of applications and systems for use at the 2012 ACT Legislative Assembly election.

The business systems involved in the ICT Business Systems upgrade project are:

- ◇ eVACS® - Elections ACT's Electronic Voting and Counting System;
- ◇ The Ballot Paper Scanning System;
- ◇ The Election Results System;
- ◇ The Electronic Certified List Mark-off System; and
- ◇ TIGER – Elections ACT's Election Management System.

Another significant ICT project in 2009/2010 included the commencement of a project designed to create an online voting system for use by Elections ACT when running fee-for-service elections for ACT organisations.

ICT resources

InTACT, the ACT Government information technology management agency, continued to provide ICT resources to Elections ACT in 2009/2010.

Internet

Elections ACT continued to maintain and update the Elections ACT website during 2009/2010, with all work being completed in-house. The Elections ACT website address is **www.elections.act.gov.au**.

For more detail on the Elections ACT website see **Information service** on page 21.

Triple Bottom Line Report

The ACT Government is committed to initiatives to shape the development of a sustainable ACT, with sustainable ACT Government operations at its heart. The ACT Government framework for sustainability is laid out in *People, Place, Prosperity*, which was updated in 2009. *People, Place, Prosperity* uses a triple bottom line approach to sustainability, recognising the interdependence of social, economic and environmental well-being.

All ACT agencies have been directed to use the following table format. The table sets out performance in 2009-10 and 2008-09 for comparison. The table gives the percentage change in the 2009-10 result relative to the 2008-09 result.

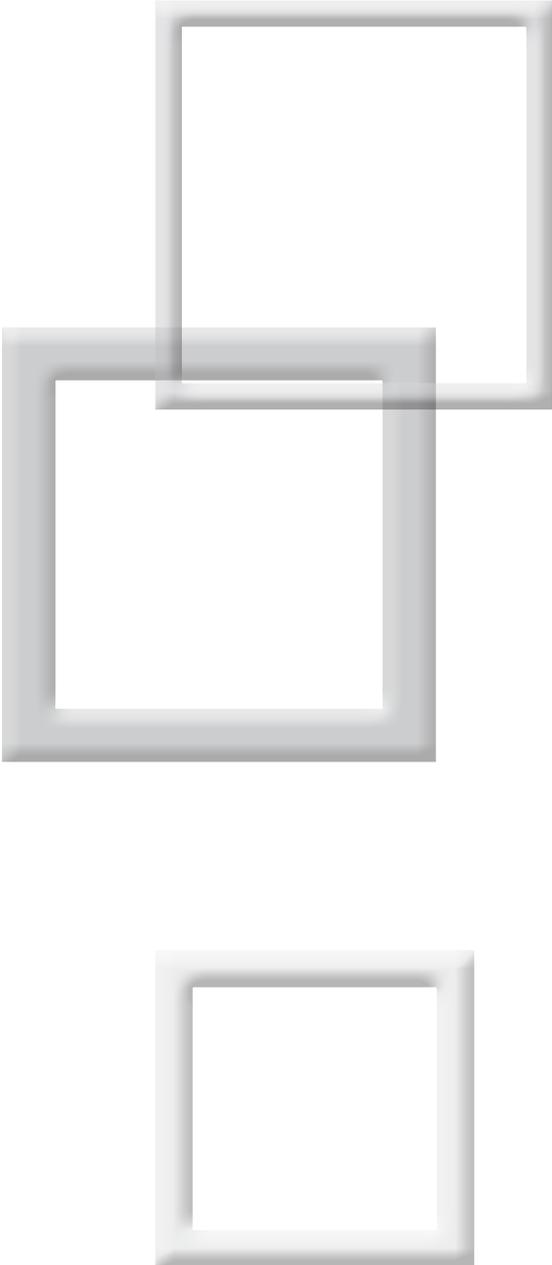
Table 18 – Triple bottom line report

	Indicator	2009/2010 Result	2008/2009 Result	% Change		
Economic	Employee expenses <ul style="list-style-type: none"> Number of staff employed (head count, not FTE) Total employee expenditure (dollars) 	<ul style="list-style-type: none"> 7 \$543,000 	<ul style="list-style-type: none"> 6 \$1,453,000 	<ul style="list-style-type: none"> 17% -\$59% 		
	Operating Statement <ul style="list-style-type: none"> Total expenditure (dollars) Total own source revenue (dollars) Total net cost of services (dollars) 	<ul style="list-style-type: none"> \$1,085,000 \$21,000 \$1,064,000 	<ul style="list-style-type: none"> \$3,195,000 \$4,000 \$3,191,000 	<ul style="list-style-type: none"> -66% 425% -67% 		
	Economic Viability <ul style="list-style-type: none"> Total assets (dollars) Total liabilities (dollars) 	Elections ACT's assets and accomodation details are included in the JACS asset management strategy and are reported on in the JACS Annual Report.				
Environmental	Transport <ul style="list-style-type: none"> Total number of fleet vehicles Total transport fuel used (kilolitres) Total direct greenhouse emissions) of the fleet (tonnes of CO2e) 	<ul style="list-style-type: none"> 0 0 0 	<ul style="list-style-type: none"> 0 0 0 	<ul style="list-style-type: none"> 0% 0% 0% 		
	Energy Use <ul style="list-style-type: none"> Total office energy use (megajoules) Office energy use per person (megajoules) Office energy use per m2 (megajoules) 	<ul style="list-style-type: none"> 130,930.00 19,928.46 818.31 	<ul style="list-style-type: none"> 50,155.51 8,359.25 313.47 	No comparison show under this category because the data collated for 08/09 only includes 3 months of the financial year; whereas the 09/10 data includes the entire financial year. See the Ecologically Sustainable Development report on page 61 for more information.		
	Greenhouse Emissions <ul style="list-style-type: none"> Total office greenhouse emissions - direct and indirect (tonnes of CO2e) Total office greenhouse emissions per person (tonnes of CO2e) Total office greenhouse emissions per m2 (tonnes of CO2e) 	<ul style="list-style-type: none"> 24.22 3.69 0.15 	<ul style="list-style-type: none"> 7.26 1.21 0.05 			
	Water Consumption <ul style="list-style-type: none"> Total water use (kilolitres) Office water use per person (kilolitres) Office water use per m2 (kilolitres) 	<ul style="list-style-type: none"> 131.63 20.03 0.82 	<ul style="list-style-type: none"> 47.53 7.92 0.30 			
	Resource Efficiency and Waste <ul style="list-style-type: none"> Total co-mingled office waste per FTE (litres) Total paper recycled (tonnes) Total paper used (by reams) per FTE Percentage of paper recycled (%) 	<ul style="list-style-type: none"> N/A 1.002 12.18 100 	<ul style="list-style-type: none"> N/A 0.49 10 100 			
	Social	The Diversity of Our Workforce <ul style="list-style-type: none"> Women (Female FTEs as a percentage of the total Elections ACT workforce) People with a disability (as a percentage of the total Elections ACT workforce) Aboriginal and Torres Strait Islander people (as a percentage of the total Elections ACT workforce) Staff with English as a second language (as a percentage of the total Elections workforce) 	<ul style="list-style-type: none"> 57.1% 0% 0% 14.3% 		<ul style="list-style-type: none"> 42.9% 0% 0% 14.3% 	<ul style="list-style-type: none"> 33% 0% 0% 0%
		Staff Health and Wellbeing <ul style="list-style-type: none"> OH&S Incident Reports Accepted claims for compensation (as at 31 August 2010) Staff receiving influenza vaccinations Workstation assessments requested 	<ul style="list-style-type: none"> 0 0 2 0 		<ul style="list-style-type: none"> 0 0 1 0 	<ul style="list-style-type: none"> 0% 0% 1% 0%

Part B

Consultation and scrutiny reporting

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Community engagement

This section is intended to outline major or significant community consultations undertaken during the year.

An ACT Legislative Assembly election can be taken to be a community consultation process. The Electoral Act also requires Elections ACT to consult the community in the lead-up to each Assembly election in relation to various statutory processes. The next Assembly election is in October 2012

The electoral boundaries redistribution process undertaken in the lead-up to every ACT Legislative Assembly election is one of the most significant community consultation activities carried out by the Commission in the election cycle. The next redistribution process is expected to commence in 2010/2011. See **Redistribution of electoral boundaries** on page 36.

Applications to register a political party or to change the register of political parties must be publicly notified, and members of the public have the right to object to such applications. This process is discussed above under **Registration of political parties** on page 30.

Elections ACT also consults with stakeholders through its Electronic Election Systems Reference Group (formerly the Electronic Voting and Counting System Reference Group), consisting of representatives of political parties, MLAs and other special interest groups. The Commissioner expects to convene this group early in 2010/2011 as part of the redevelopment of its ICT systems.

Internal and external scrutiny

The Commission was not subject to significant internal or external scrutiny in 2009/2010.

Legislative Assembly Committee inquiries & reports

The Commission made a submission to the ACT Legislative Assembly Standing Committee on Justice and Community Safety inquiry into Campaign Finance Reform in 2009/2010. The Electoral Commissioner also represented the Commission at a hearing of the Committee. The committee inquiry was continuing at 30 June 2010.

The Electoral Commissioner also represented the Commission at hearings of the following committees:

- ◇ The Select Committee on Estimates; and
- ◇ The Standing Committee on Justice and Community Safety in relation to the Commission's 2008/2009 annual report.

The Standing Committee on Justice and Community Safety presented its report number 4 titled *Report on Annual and Financial Reports 2008-2009* in February 2010. The report made one recommendation with respect to the Commission's reporting as follows:

Recommendation 24

That the ACT Electoral Commission include in future annual reports more information and analysis about election funding, annual returns and election returns.

The Commission has provided more information on these matters in this annual report commencing at page 31.

Table 19 – Legislative Assembly committee inquiries and reports

Report No.	Title	Date presented
Standing Committee on Justice and Community Safety Report No. 4.	Report on Annual and Financial Reports 2008-2009.	February 2010.
Recommendation	Government Response	Agency Implementation
Recommendation 24 That the ACT Electoral Commission include in future annual reports more information and analysis about election funding, annual returns and election returns.	Not made at 30 June 2010.	Increased reporting included in the 2009/2010 annual report.

Legislation Report

The Commission and the Electoral Commissioner are responsible for the conduct of the elections and referendums and for the provision of electoral advice and services under the following legislation:

- ◇ *Electoral Act 1992;*
- ◇ *Electoral Regulation 1993;*
- ◇ *Referendum (Machinery Provisions) Act 1994;*
- ◇ *Proportional Representation (Hare-Clark) Entrenchment Act 1994;*
- ◇ *Health Professionals Regulation 2004;* and
- ◇ *Aboriginal and Torres Strait Islander Elected Body Act 2008.*

The Commission's role in providing advice on amendments to this legislation is discussed above at **Electoral Legislation** on page 23.

Part C

Legislative and policy based reporting

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Risk management & internal audit

Under the direction of the Electoral Commissioner, Elections ACT undertakes risk management assessments for all its major projects and contracts. The Commission takes a strategic interest in these assessments where they bear on its statutory duties. During the reporting period the Commission and Elections ACT continued the task of assessing risks as part of the preparation of business requirements and specifications for the development or re-development of its ICT election systems.

As Elections ACT is too small to undertake its own internal audit processes, it takes part in the JACS internal audit arrangements. See the JACS Annual Report for details on these arrangements.

The Commission's finances are also audited as part of the JACS portfolio.

Fraud prevention

Prevention strategies

This is a matter for which the Electoral Commissioner is responsible. Elections ACT employed the following fraud prevention strategies in 2009/2010:

- ◇ Adherence to fraud prevention procedures in office administration;
- ◇ Inclusion of fraud prevention procedures in the Commission's operational plans;
- ◇ Avoidance of potential conflicts of interests;
- ◇ Analysis of risk assessments in all major contracts;
- ◇ Use of a code of conduct relating to the use of information technology, particularly as it relates to electoral roll information;
- ◇ Secure storage of ballot material for all elections; and
- ◇ Secure website.

Elections ACT also continued to work closely with the AEC and the ECA on strategies and performance measures related to detection and prevention of electoral enrolment fraud.

Detection strategies

Elections ACT's election procedures include many mechanisms designed to provide for transparency. In particular, scrutineers appointed by candidates are entitled to be present throughout polling and the count for Legislative Assembly elections and for most fee-for-service elections.

There were no reports or allegations of fraud or corruption received in 2009/2010.

Public interest disclosure

The Public Interest Disclosure Act 1994 requires each ACT Government agency to establish and maintain procedures to facilitate the making of public interest disclosures. The Commission has adopted procedures implemented by JACS.

During 2009/2010 no public interest disclosures related to the Commission were lodged.

Freedom of information

Section 7 statement

Section 7 of the *Freedom of Information Act 1989* (the FOI Act) requires agencies to publish a statement showing functions of the agency, how the public can participate in the work of the agency, categories of documents in the possession of the agency, and facilities provided for access to the agency's documents.

The Chairperson of the Commission is the principal officer of the Commission for the purposes of the FOI Act in relation to functions and powers vested in the Commission.

The Electoral Commissioner is the principal officer of the office of the Electoral Commissioner for the purposes of the FOI Act in relation to functions and powers vested in the Electoral Commissioner.

Establishment and powers

The ACT Electoral Commission is an independent statutory authority established by the Electoral Act 1992.

The Commission and the Electoral Commissioner exercise powers under the Electoral Act, the *Referendum (Machinery Provisions) Act 1994*, the *Health Professionals Act 2004* and the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

Arrangements for external participation

There are several avenues available under the Electoral Act for external participation in electoral matters.

- ◇ Members of the public are invited to make suggestions, comments and objections regarding proposed changes to electoral boundaries;
- ◇ Members of the public are invited to lodge objections to applications for registration of political parties;
- ◇ An elector may object to the enrolment of a person on the grounds that the person is not entitled to enrolment; and
- ◇ Approaches from the community on any electoral matter are welcomed by the Commission.

Documents

Extracts, updated at least once each year, from the ACT electoral roll are made available for public inspection (but not purchase) without charge at the office of the Commission.

Lists of registered practitioners eligible to vote in health professionals boards elections are made available for public inspection (but not purchase) without charge at the office of the Commission during the relevant election period.

Records related to the issue of declaration votes for ACT Legislative Assembly elections are made available for public inspection (but not purchase) without charge at the office of the Commission during the relevant election period.

The following documents are available for inspection and purchase:

- ◇ The register of political parties;
- ◇ Annual returns of donations, expenditure and debts submitted by political parties, MLAs, associated entities and donors; and
- ◇ Election returns of donations and expenditure submitted by political parties, candidates, broadcasters and publishers, donors and other political participants.

The documents listed under **Publications** on page 21 are provided free of charge (except for electronic voting data on CD-ROM; however this data is available for free download from the Elections ACT website).

Facilities for access

Publicly available documents can be obtained from Elections ACT's office. FOI requests should be directed to the Deputy Electoral Commissioner.

Most items are also available on the Elections ACT website at **www.elections.act.gov.au**.

Section 8 Statement

Section 8 of the FOI Act requires the Commission to publish a statement of documents used for the purpose of making decisions or recommendations. This statement is available on request and is included on the Elections ACT website at **www.elections.act.gov.au/about/foi.html** and in the statement published by JACS.

Section 79 Statement

Section 79 of the FOI Act states that each responsible Minister must prepare an annual report on the operation of the FOI Act in relation to each agency for which the Minister is responsible.

The Commission did not receive any FOI requests in 2009/2010, nor were any FOI matters outstanding at 1 July 2009.

Contact officer

For further information about the ACT Electoral Commission, FOI or any other matters raised in this annual report, contact:

The Electoral Commissioner
ACT Electoral Commission
Ground Floor, North Building
London Circuit, Civic Square
Canberra City ACT 2601

Telephone: (02) 6205 0033

Fax: (02) 6205 0382

Or write to:

PO Box 272, Civic Square ACT 2608

Or email:

elections@act.gov.au

Website:

www.elections.act.gov.au

Internal accountability

As a very small agency, the Commission does not have complex internal accountability structures and processes.

The full Commission, consisting of the Chairperson, the Electoral Commissioner and the third Member, oversees the operation of the Commission, sets general directions and approves reports to the Legislative Assembly. The Commission adopted new internal governance guidelines in 2006/2007.

Under the Electoral Act, the Commission is also responsible for undertaking internal reviews of a range of decisions that can be made in the first instance by the Commissioner or by his or her delegate.

The full Commission forms part of the Augmented Electoral Commission, together with the members of a redistribution committee. The Augmented Electoral Commission considers objections to proposed electoral boundaries and makes final determinations of electorate names and boundaries.

The Electoral Commissioner performs the legislative role of chief executive officer of the Commission. The Commissioner is empowered to make a wide range of decisions under the Electoral Act and the Public Sector Management Act. The Commissioner generally approves all major projects undertaken by Elections ACT staff, including contracts, legislative instruments, publications and memorandums of understanding for fee-for-service elections. The Commissioner also carries a delegation under the *Financial Management Act 1996* to commit expenditure up to the limit of the Commission's budget.

The Deputy Electoral Commissioner performs a range of management functions in support of the Commissioner, including contracts manager, funding and financial disclosure manager and registrar of political parties. The Deputy Electoral Commissioner carries a standing delegation to perform the Commissioner's functions should the Commissioner be unavailable.

The Commission's management structure is described under **Organisational Structure** on page 4. Details of the Commission's corporate and operational plans can be found at **Corporate Plan 2009-2013** on page 5. Details of the Commission's performance reporting arrangements can be found at **Performance indicators** at page 6.

Remuneration of the Commission members is determined by the Remuneration Tribunal.

For administrative purposes the Commission is an independent statutory authority within the Justice and Community Safety portfolio. The Commissioner exercises financial powers under the Financial Management Act as a delegate of the Chief Executive of the Department of Justice and Community Safety, who retains legislative responsibility for and maintains an oversight role of the Commission's budget. The Commissioner is a member of the Department's consultative management committee, JACSCOM, and the JACS Statutory Officer Holders Forum.

Human resources performance

Elections ACT is a small agency with a small permanent work force.

There were no changes to the number of permanent staff employed by Elections ACT in 2009/2010. During the year, one staff member was appointed to a permanent position in Elections ACT to replace a staff member who had transferred to another agency. With the injection of capital funding for the upgrade of the elections IT systems, two permanent staff members undertook project management training which, together with their electoral experience and expertise, enabled them to act as the project managers for the projects involved in the upgrade. Due to budget constraints, Elections ACT opted to not backfill one of the positions. The other position was backfilled by another officer. However, this officer's position was only partially backfilled for a short period of time. An additional staff member was appointed part-time on short-term contract from April to June 2010 for this purpose.

Casual staff are employed by the Commissioner as required to assist with fee-for-service elections and other State general elections.

Elections ACT maintains an in-house database of applicants for casual and temporary employment. Casual staff appointed under the Electoral Act, including polling officials, are employed following a merit selection process based on equal employment opportunity principles, previous experience and performance ratings.

Staffing profile

The following tables set out details of permanent staff employed during 2009/2010, including the Electoral Commissioner. As required by the annual report directions, the figures presented are as at pay 26, 21 June 2010. The tables do not include the 2 part-time Commission Members or the various casual and temporary staff employed during the year to assist with the conduct of other elections.

Table 20 – FTE and Headcount

	Female	Male
FTE by Gender	3.6	2.97
Headcount by Gender	4	3
% of Workforce	57%	43%

Table 21 - Employment type

Permanent	Temporary	Casual
6	1	0

Table 22 - Classifications

Classification Group	Female	Male	Total
Administrative Officers	3		3
Senior Officers	1	2	3
Statutory Office Holders		1	1
TOTAL	4	3	7

Table 23 - Employment category by gender

Employment Category	Female	Male	Total
Casual			
Permanent Full-time	3	2	5
Permanent Part-time		1	1
Temporary Full-time			
Temporary Part-time	1		1
TOTAL	4	3	7

Table 24 - Average length of service by gender by age-group

Average Length of Service	Female	Male	Total
0-2	1	1	2
2-4			
4-6	1		1
6-8	1		1
8-10		1	1
10-12			
12-14			
14+ years	1	1	2
Total	4	3	7

Table 25 - Total average length of service by gender

Gender	Average length of service
Female	7.75 years
Male	10.25 years
Total	8.5 years

Table 26 - Age profile

Age Group	Female	Male	Total
<20			
20-24			
25-29	1		1
30-34		1	1
35-39			
40-44	1		
45-49		1	2
50-54	1		1
55-59	1	1	2
60-64			
65-69			
70+			
Total	4	3	7

Table 27 - Agency profile

Branch/Division	FTE	Headcount
	6.57	7
Total	6.57	7

Table 28 - Agency profile by employment type

Agency	Permanent	Temporary	Casual
ACT Electoral Commission	6	1	0
Total	6	1	0

Table 29 - Equity and workplace diversity

	A	B	C	Number of employees who identify in any of the Equity & Diversity categories (A, B, C)*	Women
	Aboriginal and/or Torres Strait Islander Employment	Culturally & Linguistically Diverse (CALD) Employment	Employment of people with a disability		
Headcount	0	1	0	1	4
% of Total Staff	0%	14.3%	0%	14.3%	57.1%

Learning and development

During 2009/2010, Elections ACT permanent staff participated in learning and development activities, including attending various courses and seminars. To facilitate Elections ACT's learning and development strategy, each staff member is allocated an average of \$1,000 in the Commission's budget each year.

Each Elections ACT staff member maintains a formal personal achievement and development plan. These plans are regularly reviewed. Through weekly meetings with all staff, the Commissioner also monitors and updates Elections ACT's performance as a team.

The ACT Government introduced a new initiative for young people working in the ACT Public Service. The Young Professionals' Network (YPN) aims to connect young professionals across the ACT Public Service through professional development and training events. Elections ACT had one employee who was a member of the YPN during 2009/2010.

Learning and development opportunities undertaken in 2009/2010 are shown in the following table.

Table 30 – Elections ACT learning and development activities

Staff Members	Course/seminar/development opportunity
Executive	OHS for Managers
	Introduction to Windows 7
Senior Officer	OHS for Managers
Administrative Service Officers Class 6	Diploma in Project Management
	OHS for Managers
	Introduction to Windows 7
	Procurement Awareness Training
Administrative Service Officers Class 5	Health and Safety Representative Training
	ACT OHS Information Session
	Introduction to Windows 7
	Financial Management
	Fire Warden Training
	Participated in the ACT Young Professionals' Network

Workplace health and safety

In all of its activities Elections ACT gives careful consideration to occupational health and safety (OH&S) principles and practices. Elections ACT has adopted the JACS OH&S policy and has access to JACS OH&S representatives. During 2009/2010, Elections ACT staff also participated in JACS health and wellbeing programs including the health expo.

Incoming post is scanned by the ACT Government Registry before being opened by Elections ACT staff.

Elections ACT has two fire wardens, one designated first aid officer and one staff member undertaking the role of deputy health and safety representative for the designated work group which the organisation is part of.

A number of OH&S initiatives were undertaken during the 2009/2010 period including:

- ◇ A workplace safety inspection by the deputy health and safety representative which identified a small number of hazards, most of which were quickly and easily remedied at no cost to the organisation;
- ◇ Insertion of a small window in a solid door that had been identified as a hazard to through traffic;
- ◇ Information session for all staff with a physiotherapist to identify and address workstation and work habit hazards;
- ◇ Replacement of all office chairs due to their age and condition; and
- ◇ Purchase of protective gloves for use when shifting furniture or similar items to avoid injuries.

There were no workers compensation claims during the reporting period.

Workplace relations

Collective agreements

The Justice and Community Safety Union Collective Agreement 2007-2010 was lodged with the Workplace Authority on 30 November 2007 and became operational from that day. The Electoral Commissioner is a signatory to this Agreement, which covers Elections ACT staff employed under the Public Sector Management Act.

Australian Workplace Agreements

No Elections ACT staff were employed under an Australian Workplace Agreement.

Special Employment Arrangements

No Elections ACT staff were employed under a Special Employment Arrangement.

Strategic asset management

Elections ACT's assets, accommodation details and energy reduction strategies are included in the JACS asset management strategy and reported on in the JACS Annual Report.

To assist with tracking computing and office equipment Elections ACT uses the InTACT ATLAS system, which is updated to reflect any equipment changes.

Capital works

The Commission did not undertake any capital works projects in 2009/2010.

Government contracting

Procurement principles and processes

The processes used to select and manage all contractors during 2009/2010 complied with the Government Procurement Act 2001 and the ACT Government Procurement Principles and Procurement Circulars.

External sources of labour and services

In 2009/2010, the Commissioner did not enter into any reportable contracts for labour and services that exceeded \$20,000 for the reporting period.

An amount of \$5,522 was spent on services involving contracts of less than the \$20,000 reporting threshold. These services were for professional auditing of the funding and disclosure returns.

Table 31 – External sources of labour and services 2009/2010

Name of Contractor	Description of Contract	Cost \$
Oakton Services	Audit services for funding and disclosure returns	\$5,522

Community grants/assistance/sponsorship

The Commission does not fund or receive community grants, assistance or sponsorship.

Territory records

A description of the Commission's compliance with the Territory Records Act is set out at **Key result area 3.3 – Records management** on page 39.

Human Rights Act 2004

Respect for human rights is a key driver behind the Commission's statutory functions and its organisational mission and goals.

The focus on customer service contained in Elections ACT's mission, key goals and training programs is intended to ensure that all staff respect, protect and promote human rights in the course of their duties.

The Commission considers that its conduct of elections under the Electoral Act gives effect to section 17(b) (Taking part in public life) of the *Human Rights Act 2004*, which provides that every citizen has the right, and is to have the opportunity, to vote and be elected at periodic elections that guarantee the free expression of the will of the elector.

Human rights principles are taken into account in the Commission's regular reviews of the electoral legislation. The JACS Human Rights Unit is consulted on proposals to amend the electoral legislation.

Commissioner for the Environment

The Commission did not contribute to the *State of the Environment Report* in 2009/2010. The Commission has not been the subject of an investigation or recommendations made by the Commissioner for the Environment.

ACT multicultural strategy

Elections ACT has integrated the key focus areas of the *Multicultural Strategy 2010-2013* into its strategic and operational planning processes insofar as they are relevant. This strategy addresses the needs of Australians from culturally and linguistically diverse backgrounds and members of the ACT community who have a disability or who are aged and infirm.

Elections ACT is committed to client focused service delivery in a culturally diverse society.

The special needs of Australians from culturally and linguistically diverse backgrounds are given particular attention in the Commission's election information strategy.

The Telephone Interpreter Service information panel is printed on the Commission's major election publications, encouraging electors with limited ability in English to make use of the service to assist with understanding electoral information. Professional interpreter services are used as required.

In the lead-up to an ACT election, electoral services and information are advertised in various community newsletters. Bi-lingual educators are engaged to communicate electoral information to their communities.

Elections ACT takes a range of steps intended to ensure that its services are accessible to members of the ACT community who have a disability.

Elections ACT maintains office space where public documents can be viewed. This space is accessible to people who have a disability.

All staff at all polling places are trained in providing appropriate service to people who have a disability. Special provision is made to provide assistance to any person who is unable to vote without help.

All lists of polling places provided in the Commission's public information material indicate which polling places are accessible to people using wheelchairs. Polling place locations are chosen to maximise the number of polling places that have wheelchair access. All pre-poll voting locations are accessible by wheelchair.

Elections ACT's electronic voting system is designed to allow people with disabilities to vote in secret, without assistance. Every electronic polling place is equipped with a voting terminal that can be used by a person seated in a wheelchair or in the supplied seat. Each of these terminals has a 21 inch monitor (compared to 17 inch monitors used in standard voting screens). These terminals are also equipped with headphones that broadcast spoken instructions. Using this system, people with visual impairment are able to vote in secret using a keypad. On-screen voting instructions are also provided in 12 languages.

Electronic voting was used for the first time at a parliamentary election in Australia at the 2001 ACT Legislative Assembly election, and again used at the 2004 election. It was used at the 2008 ACT election in 5 pre-poll voting centres and 5 polling places on polling day.

Electoral staff are engaged at Assembly elections to visit nursing homes and hospitals

to enable those who are aged and infirm to vote without having to leave the institution in which they are located. Where necessary, the visitors will attend to the voter in their room. The visitors carry with them all the material, required for the voter to exercise their franchise, as if they were in a polling place.

Aboriginal and Torres Strait Islander reporting

The *Aboriginal and Torres Strait Islander Elected Body Act 2008* was passed by the Legislative Assembly on 6 May 2008. This Act established an Aboriginal and Torres Strait Islander Elected Body in the ACT and provides for the conduct of an election every 3 years to elect members to the body.

The first election for the Elected Body was conducted by Elections ACT in May-July 2008.

The next election is due to be held in the first half of 2011. Elections ACT commenced discussions with the Office of Aboriginal and Torres Strait Islander Affairs in August 2009 regarding implementing possible improvements to the election process.

Ecologically sustainable development

The *Environment Protection Act 1997* requires agencies to report on how its actions accorded with the principles of ecologically sustainable development.

Elections ACT's delivery of service is generally office based. Elections ACT staff are very mindful of waste management. Elections ACT staff adhere to the following environment-friendly practices:

- ◇ Power to computers, printers, photocopier and lights is turned off every night;
- ◇ Movement activated lights turn lights off when rooms are not used;
- ◇ Recyclable consumables are used when available and recycled paper is used for normal office work and for publications where appropriate;
- ◇ Office waste paper and toner is recycled; and
- ◇ Election material is reused or recycled where possible.

In aligning with the Government's commitments to waste minimisation, greenhouse emission reductions, water efficiency and transport efficiency, agencies are required to provide relevant data on their resource use. Unfortunately, resource data from the time Elections ACT was located at the O'Connell Centre (July 2008 to February 2009) is unobtainable. The following table outlines data extracted with respect to the Commission's occupancy in the North Building. The 2008/2009 data only represents occupancy from 1 March to 30 June 2009 where as the 2009/2010 data represents occupancy for the full financial year.

Table 32 – Ecologically sustainable development data

	Indicator as at 30 June	Unit	2008-09 ¹ (1 March 09 - 30 June 09)		2009-10 (1 July 09 - 30 June 10)	
General						
A	Occupancy – office staff full-time equivalent	Numeric (FTE)	6		6.57	
	Occupancy - total staff full-time equivalent (including non-office)	Numeric (FTE)	6		6.57	
B	Area office space – net lettable area	Square metres (m2)	160		160	
	Area non-office space - net lettable office area	Square metres (m2)	0		0	
Stationary energy use						
	Electricity use (total) (3)	Kilowatt hours	7,761.00		28,479.63	
X	Electricity use (office)	Kilowatt hours	7,761.00		28,479.63	
Y	Renewable energy use (GreenPower) (3)	Kilowatt hours	2,328.30		8981.73	
	Percentage of renewable energy used (Y / X x 100) (3)	Percentage	30		31.54	
	Gas use (total) (3)	Megajoules	22,215.91		60,729.86	
	Gas use (office)	Megajoules	22,215.91		60,729.86	
C	Total office energy use	Megajoules	50,155.51		130,930.00	
Intensities (office)						
	Energy intensity per office FTE (C / A)	Megajoules / FTE	8359.25		19,928.46	
	Energy intensity per square metre (C / B)	Megajoules / m2	313.47		818.31	
Transport Energy			Office	Other	Office	Other
D	Total number of vehicles (4)	Numeric	0	0	0	0
	Transport fuel (Petrol)	Kilolitres	0	0	0	0
	Transport fuel (Diesel)	Kilolitres	0	0	0	0
	Transport fuel (LPG)	Kilolitres	0	0	0	0
	Transport fuel (CNG)	Kilolitres	0	0	0	0
	Transport fuel (Aviation)	Kilolitres	0	0	0	0
E*	Total transport energy use	Gigajoules	0	0	0	0
Water consumption						
	Water use (total) (3)	Kilolitres	47.53		131.63	
F	Water use (office)	Kilolitres	47.53		131.63	
Intensities (office)						
	Water use per office FTE (F / A)	Kilolitres / FTE	7.92		20.03	
	Water use per square metre floor area (F / B)	Kilolitres / m2	0.30		0.82	
Waste						
	Reams of paper purchased	Reams	60		80	
	Recycled content of paper purchased	Percentage	99%		99%	
	Estimate of general waste (based on bins collected) (5)	Litres	167.62		335.23	
	Estimate of comingled material recycled (based on bins collected) (6)	Litres	N/A		N/A	

	Estimate of waste paper recycled (based on bins collected) (7)	Tonnes	0.49	1.002
	Estimate of secure paper recycled (based on bins collected) (8)	Tonnes	Information N/A	Information N/A
Office Greenhouse Gas Emissions*				
*	Direct greenhouse gas emissions (Scope 1) (9)	Tonnes CO2-e	1.14	3.12
*	Indirect greenhouse gas emissions (Scope 2) (9)	Tonnes CO2-e	4.87	17.99
*	Other indirect greenhouse gas emissions (Scope 3) (9)	Tonnes CO2-e	1.25	3.11
G*	Total office greenhouse gas emissions (All Scopes) (9)	Tonnes CO2-e	7.26	24.22
Transport Greenhouse Gas Emissions*				
*	Direct greenhouse gas emissions (Scope 1) (4)	Tonnes CO2-e	N/A	N/A
*	Indirect greenhouse gas emissions (Scope 2) (4)	Tonnes CO2-e	N/A	N/A
*	Other indirect greenhouse gas emissions (Scope 3) (4)	Tonnes CO2-e	N/A	N/A
H*	Total transport greenhouse gas emissions (All Scopes) (4)	Tonnes CO2-e	N/A	N/A
Greenhouse Gas Intensities				
	Office greenhouse gas emissions per person (G / A) (9)	Tonnes CO2-e / FTE	1.21	3.69
	Office emissions per square metre (G / B) (9)	Tonnes CO2-e / m2	0.05	0.15
	Transport greenhouse gas emissions per person (H / A) (4)	Tonnes CO2-e / FTE	N/A	N/A
* = calculated with information entered into OSCAR				
**= waste figures are based on number of bins collected				

Notes

1) The resource data from the time Elections ACT was located at the O'Connell Centre (July 2008 to February 2009) is unobtainable. Therefore the 2008/2009 data only represents the Commission's occupancy in the North Building from 1 March to 30 June 2009 where as the 2009/2010 data represents occupancy for the full financial year.

2) According to the ACT Property Group, the Commission's occupancy is 1.94% of the total North Building office space.

3) The electricity, gas, renewable energy and water data was calculated as a percentage (1.94%) of the total North Building usage. The ACT Property Group provided these figures.

4) The Commission does not have an executive or fleet vehicle.

5) The estimate of general waste is calculated as a percentage (1.94%) of the total North Building usage. This is based on 1 x 720litre bin emptied twice a month. 720L x 2=1440. 1440 x 12months = 17280 litres. 1.94% of 17280litres = 335.23litres

6) There are no processes in place at the North Building to recycle comingled material.

7) RECALL secure destruction services provide the paper recycling figures in a sustainability report, however, they are unable to provide the figures in Litre units, and therefore the figures provided are in tonnes.

8) *RECALL secure destruction services are unable to split paper recycling into 'secure recycling' and 'waste paper recycling'. Therefore, the amount recorded under waste is for both secure and waste paper recycling.*

9) *The emissions data was calculated using the Australian Government Department of Climate Change 'Online System for Comprehensive Activity Reporting' (OSCAR) for tracking energy and greenhouse data.*

ACT Women's Plan

The ACT Women's Plan 2010-2015 sets out the ACT Government's vision for working with the community to improve the status and lives of all women and girls, and provides a shared approach for working towards this vision across ACT Government agencies.

Two of the priority areas set out in the Women's Plan are related to the work of the Commission: *Leadership and decision making*; and *Safe and respectful relationships*.

Elections ACT aims to conduct elections in which women are free to participate as electors and as candidates. At the 2008 election, 26 candidates were women and 60 candidates were men. Of the 17 elected Members of the Assembly, 7 were women. At 30 June 2010, there were 242,415 electors on the electoral roll aged 18 and over; 125,452 were women (estimated to be 95.7% of the eligible population) and 116,963 were men (estimated to be 91.5% of the eligible population).

In order to promote a safe community, Elections ACT continues to work with the AEC to ensure that silent enrolment is available and offered to community members who, for reasons of safety, do not want their addresses published on the electoral roll.

Model litigant guidelines

Section 5AA of the Law Officer Act 1992 requires all ACT agencies to comply with the Law Officer (Model Litigant) Guidelines 2010 (No 1). The model litigant guidelines apply to all Territory legal work, including conduct that may lead to litigation in the future, even if advice has not been sought from the ACT Government Solicitor's office.

Under section 5AC of the *Law Officer Act*, agencies must report on measures to ensure compliance with the model litigant guidelines. Agencies must also report on any breaches of the guidelines. .

The Electoral Commissioner has the following procedures in place to ensure that Elections ACT staff are aware of and complying with the model litigant guidelines:

- ◇ All instructions in relation to disputes are passed through the Electoral Commissioner and the Deputy Electoral Commissioner;
- ◇ The Commission's legal services are provided by the ACT Government Solicitor's office, which would if required review the Commission's instructions to ensure compliance with the guidelines;
- ◇ The Commission is able to rely upon the ACT Government Solicitor's office to identify those matters where a question arises as to compliance with the model litigant guidelines and to address it as appropriate; and
- ◇ All staff involved in claims procedures or other decisions which may at some point become the subject of litigation are informed of the guidelines and instructed to comply with them, referring any queries to the ACT Government Solicitor's office.

No breaches of the model litigant guidelines by the Commission occurred during the financial year.

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