

ACT Electoral Commission
**Annual
Report**
2010/2011



Elections ACT



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Dear Attorney General

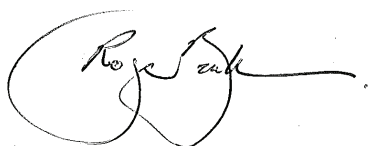
This report has been prepared under section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of this 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 2010 to 30 June 2011 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

31 August 2011



Phillip Green
Electoral Commissioner

31 August 2011



Dawn Casey
Member

31 August 2011

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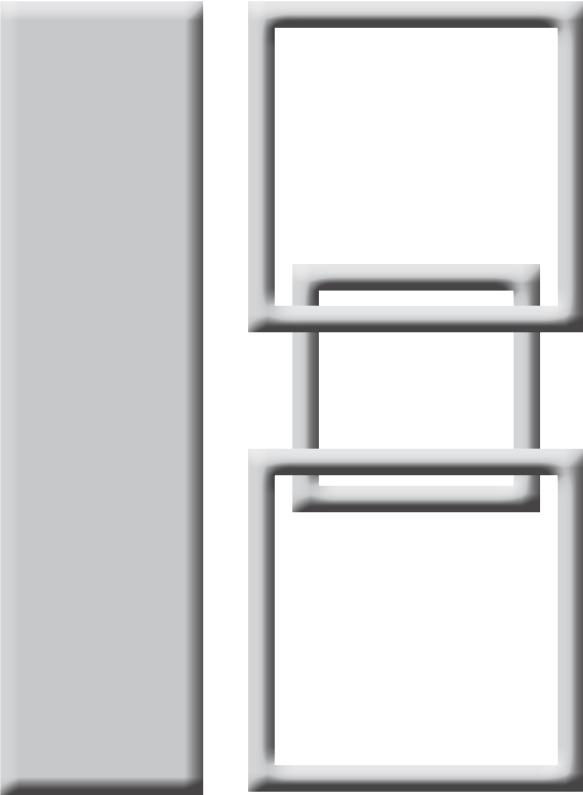
Glossary

| | |
|----------------------------|---|
| ACT | Australian Capital Territory |
| AEC | Australian Electoral Commission |
| ANU | Australian National University |
| ATSIEB | Aboriginal and Torres Strait Islander Elected Body |
| CALD | Culturally & linguistically diverse |
| Commission | ACT Electoral Commission |
| Commissioner | 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 |
| JACS | ACT Justice and Community Safety Directorate |
| Joint Roll | The common ACT and Commonwealth electoral roll maintained under a formal government-to-government arrangement |
| MLA | Member of the ACT Legislative Assembly |
| MOU | Memorandum of understanding |
| Party | A political party registered under the Electoral Act |
| Redistribution | A redistribution of electoral boundaries |
| Referendum Act | <i>Referendum (Machinery Provisions) Act 1994</i> |
| Shared Services ICT | The ACT Government information technology management agency (previously known as InTACT) |
| SSICT | Shared Services ICT |
| STEC | State and Territory Electoral Commissioners |
| WH&S | Workplace health and safety |

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 undertaking key electoral roles, such as taking part in the electoral boundaries redistribution process; and sitting as a review body where appeals are made challenging 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 was included in the then Department of Justice and Community Safety portfolio for administrative purposes at the commencement of this reporting year. In the departmental structure for 2010/2011, the Commission was included in Output Class 1.6 – Electoral Services. With the change to administrative arrangements introduced in June 2011, the Commission is now included in the Justice and Community Safety Directorate (JACS).

The Commissioner and the then 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. The MOU will continue to have effect under the new administrative arrangement.

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;* 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 |
| Ms Dawn Casey <i>Member</i> Appointed 18 October 2010 until 30 September 2015 |

Note: This table shows appointments in force on 30 June 2011.

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.

During the 2010/2011 year, Dr Christabel Young resigned her appointment with effect from 30 September 2010, after 17 years in the position. Ms Dawn Casey was appointed as her replacement with effect from 18 October 2010 until 30 September 2015.

The current Electoral Commissioner, Mr Green, is appointed to this position until 31 March 2015.

The Electoral Commissioner has director-general 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 2010/2011 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 66.

Elections ACT's mission

Elections 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 carried out by Elections ACT include electoral education, maintaining the register of political parties and the funding and disclosure scheme, assisting with redistributions of electoral boundaries, working with other electoral authorities to improve the accuracy of the electoral roll 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

Commencing from the 2010/2011 reporting year, there will be 3 performance indicators listed in the budget papers for Output 1.6 – Electoral Services within the JACS directorate. Two of these relate to Legislative Assembly elections, and measure voter turnout at Assembly elections and timely finalisation of Assembly election results. As 2010/2011 was not a Legislative Assembly election year, there is no formal reporting against these indicators in the 2010/2011 Budget Papers for Output 1.6 – Electoral Services. A third performance indicator has been introduced, for the 2010/2011 and future reporting years, which reflects the Commission’s ongoing activity, and formally reports on the participation of eligible electors on the electoral roll.

This new performance indicator will measure the percentage of electors on the electoral roll compared to those eligible to be enrolled. 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 continue to be reported in detail under that heading.

Table 2 – Performance indicators included in budget papers

| Accountability indicator | Measures | Target for 2010/2011 | Outcome at 30 June 2011 |
|--|---|-----------------------------|---|
| High level of voter turnout at ACT Legislative Assembly elections ¹ | Participation rate | n/a | n/a |
| Timely finalisation of election result of Legislative Assembly election ¹ | Date of announcement of election result | n/a | n/a |
| High level of electoral enrolment | Participation rate | >95% of eligible population | Enrolment was 94.6% of eligible population ² |

Note 1: - These measures only apply in an election year. They will be next reported against in 2012/2013.

Note 2: - 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 2011 – with 94.6% of the eligible population on the electoral roll – is marginally below the target of 95%. On 30 June 2010, the outcome was 93.6% of the eligible population. The rise in the percentage can be mostly attributed to the federal election held in August 2010. The outcome for 30 June 2009, in the same reporting year as the 2008 ACT election, was 97.0%. These outcomes reflect 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. Of particular concern is the marked decline in the level of enrolment of 18 year olds during the year. See further discussion about electoral enrolment at **Completeness and accuracy of the ACT electoral roll** from page 33.

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 16 to page 51.

| 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 | A redistribution of electoral boundaries commenced in January 2011 and was still underway on 30 June 2011. The redistribution is expected to conclude in the second half of 2011. All relevant statutory requirements had been met as at 30 June 2011. |
| Goal 3 – Effective management | | |
| Objectives | Measures | Outcomes |
| Manage costs within budget allocations | Budget met | Expenditure was within budget allocations. |
| 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 14 days from polling day;
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is needed): within 21 days 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 on 18 October 2008. The next Assembly election is due to be held on 20 October 2012.

Preparation for the 2012 election was a major focus of the Commission and Elections ACT in 2010/2011. Considerable progress was made during the year on the re-development of the Elections ACT ICT systems to be used for the 2012 election. Elections ACT staff also reviewed and revised the detailed project plan required for the election.

Another major election preparation activity that commenced during the year was the quadrennial redistribution of electoral boundaries. In January 2011 the Commission appointed a Redistribution Committee, which started the redistribution process on 10 February 2011 by publishing a call for public submissions. The Redistribution Committee made a proposed redistribution on 5 May 2011 and called for objections to the proposal. The Augmented Electoral Commission held a public hearing on the objections on 24 June 2011. At the end of the reporting period, the Augmented Electoral Commission was considering the objections before itself proposing a redistribution. The redistribution process is expected to conclude in the second half of 2011.

In May 2011, the Electoral Commissioner conducted a countback process to fill the casual vacancy in the Assembly following the resignation of Mr Jon Stanhope MLA.

During the year the Commission also worked with Government to progress the recommendations made by the Commission in its review of the conduct of the 2008 election. The Commission provided advice to the Attorney General in relation to two electoral amendment bills introduced in the Legislative Assembly in March 2011, giving effect to several of the recommendations made by the Commission. These two bills, and the Commission's review of the 2008 election, were referred to the Legislative Assembly Standing Committee on Justice and Community Safety for inquiry and report. The Commission made a detailed submission to this inquiry on 30 June 2011.

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.

Highlights

The two main areas of focus for the Commission and Elections ACT in 2010/2011 were the planning and preparation for the 2012 Legislative Assembly election and assisting the Redistribution Committee and Augmented Electoral Commission in the process of redistributing the ACT electorate boundaries.

One of the major activities undertaken in preparation for the 2012 election was continuing the 4-year re-development of Elections ACT ICT election systems, for which funding commenced in the 2009/2010 Budget. This is a major project with the objective of having the updated systems in place for the 2012 election. Work undertaken during the year on these systems included:

- ◇ Progressing the upgrade of eVACs®, the electronic voting and counting system;
- ◇ Sourcing hardware to be used at the 2012 election for the electronic voting and counting system;
- ◇ Finalising negotiations with the supplier of the ballot paper scanning system for re-use of the system deployed at the 2008 election;
- ◇ Progressing the netVote system, an online ballot system to assist in the conduct of fee-for-service enterprise agreement ballots, to the user acceptance stage;
- ◇ Progressing the integrated polling place management system that will include a new electronic roll mark-off system, ballot paper reconciliation tool, and vote count transmission facility;
- ◇ Progressing the upgrade of the election results system, including the tally room display; and
- ◇ Investigating options for the upgrade of the Elections ACT in-house suite of election management databases.

Each element of this project has a detailed project plan setting out timelines and budget. Detailed risk assessments have also been completed. The Commission carefully monitored progress against the project plans throughout the year.

Another key activity undertaken in May 2011 was a casual vacancy countback following the resignation of Mr Jon Stanhope MLA from the Assembly. Dr Chris Bourke MLA was declared elected by the Electoral Commissioner to fill the casual vacancy in the electorate of Ginninderra on 18 May 2011. The count of votes to decide the vacancy was conducted in a matter of minutes using the eVACs® electronic counting system.

Other notable activities undertaken during 2010/2011 included:

- ◇ Providing advice to Government on two electoral amendment bills introduced in the Legislative Assembly in March 2011, giving effect to several of the recommendations made by the Commission in its report on the 2008 election;
- ◇ Making a submission to the Legislative Assembly's Standing Committee on Justice and Community Safety in relation to its inquiry into the two electoral amendment bills and the Commission's report on the 2008 election;
- ◇ Providing advice to Government and Members of the Legislative Assembly on electoral matters as required;
- ◇ Conducting a casual vacancy recount for the Aboriginal and Torres Strait Islander Elected Body in 2010;

- ◇ Conducting the 2011 general election of members to the Aboriginal and Torres Strait Islander Elected Body;
- ◇ Processing 2 applications for a change to the register of political parties;
- ◇ Progressing research on electoral matters, including:
 - Taking a lead role in developing joint electoral research projects with other Electoral Council of Australia (ECA) members;
 - Representing State and Territory Electoral Commissions on the Australian Electoral Commission's inaugural Commissioner's Advisory Board on Electoral Research (CABER); and
 - Reviewing the accuracy of the scanning of ballot papers at the 2008 ACT election;
- ◇ Finalising the financial disclosure scheme compliance audits of 2008/2009 annual returns and commencing audits of the 2009/2010 returns;
- ◇ Producing a revised (post-2008 election) edition of the *Electoral Compendium*;
- ◇ Continuing to review and update the Commission's information resources, including its printed resources;
- ◇ Implementing a new look Elections ACT website;
- ◇ Briefing representatives of the Election Commission of Bhutan;
- ◇ Continuing to work with the AEC and the 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 fee-for-service non-parliamentary election program, conducting 16 enterprise agreement ballots for ACT government agencies, 2 ballots for the Australian National University and another 4 miscellaneous ballots;
- ◇ Providing pre-poll facilities for 3 interstate elections and a New Zealand by-election, including issuing votes for the Victorian State general election;
- ◇ Updating the Elections ACT Business Continuity Plan and the Elections ACT Risk Management Plan;
- ◇ 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.

In September 2010, Dr Christabel Young finished her term as a Member of the Commission. The present members of the Commission and the staff of the Commissioner extend their thanks and gratitude to Dr Young for her contribution to the Commission. Dr Young was the inaugural Member of the Commission, first appointed to the Commission on 21 December 1992.

Outlook

During 2011/2012 the Commission and Elections ACT will continue preparations for the October 2012 Legislative Assembly election.

One key area of focus in these preparations will continue to be the re-development of Elections ACT ICT election systems, for which funding was provided in the 2009/2010 Budget. During 2011/2012 the concentration of effort will be on:

- ◇ Finalising and testing the upgrade of eVACs®, the electronic voting and counting system;
- ◇ Finalising and testing the integrated polling place management system that will include a new electronic roll mark-off system, ballot paper reconciliation tool, and vote count transmission facility;
- ◇ Finalising the upgrade of the election results system, including the tally room display;
- ◇ Finalising the upgrade of the Elections ACT in-house suite of election management databases;
- ◇ Implementing the netVote system, an online ballot system to assist in the conduct of fee-for-service enterprise agreement ballots;
- ◇ Developing an online system for recruiting and training polling officials; and
- ◇ Redeveloping the online system for applying for postal votes.

The redistribution of electoral boundaries that commenced in January 2011 is expected to be completed in the second half of 2011.

As the count-down to the October 2012 election progresses, Elections ACT staff will commence the many processes required to be completed in an election year, including arranging accommodation for the Commission's expanded election year operation, hiring polling venues, purchasing equipment and arranging for the recruitment of temporary management staff.

Together with the AEC, Elections ACT will continue its enrolment stimulation programs. In particular, special attention will be given to the level of enrolment of 18 year olds, with the aim of raising the participation level in the lead-up to the 2012 Assembly election. The Commission has drawn attention to the growing number of eligible citizens not taking out enrolment in its submission to the inquiry being undertaken by the Legislative Assembly Standing Committee on Justice and Community Safety into the Commission's report on the 2008 election. In that submission the Commission has recommended that the Committee consider whether it would be appropriate for the ACT to implement automatic enrolment and/or election day enrolment, on the lines recently adopted by New South Wales and Victoria.

The Commission also intends to conduct a review of its election information campaign in the lead-up to the election.

Elections ACT will continue its electoral education and non-parliamentary election programs in 2011/2012. With negotiations for ACT government agency enterprise agreements having commenced in 2010/2011, it is expected that a number of ballots will occur during the reporting year. It is expected that the Commission's new netVote system will be employed for some of these ballots.

Other projects to be undertaken will include:

- ◇ 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; and
- ◇ Continuing to work with the AEC and the ECA to improve electoral roll maintenance procedures.

The Commission notes that the Standing Committee on Justice and Community Safety's inquiry into the Commission's *Report on the ACT Legislative Assembly Election 2008*, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011 is due to report to the Assembly in September 2011. The Commission further notes that this Committee is also expected to present its report on its inquiry into Campaign Finance Reform in 2011/2012. The Commission anticipates that these inquiries will lead to significant activity for the Commission in 2011/2012.

The Commission also notes that the ACT Legislative Assembly Standing Committee on Administration and Procedure will be conducting an inquiry in 2011/2012 into the feasibility of establishing the position of Officer of the Parliament as it might relate to the Auditor-General, the Ombudsman, the Electoral Commissioner and other statutory office holders. The Commission made a submission to this inquiry on 20 July 2011. The Commission also notes that the review conducted by Allan Hawke, *Governing the City State: One ACT Government – One ACT Public Service*, published in February 2011 (the Hawke review), recommended that certain statutory office holders, including the Electoral Commissioner, should receive appropriation funding in their own right. The Commission notes that the outcome of these reviews may have significant impact on the Commission in 2011/2012 and beyond.

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 director-general 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.

Increasing cost pressures from unfunded salary increases and the rising cost of the joint electoral roll led to the Commission successfully seeking additional funding from Government for the 2010/2011 Budget process. This resulted 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.

The funding provided to the Commission, as discussed in the **Financial report** on page 14, is broken down 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.

The total operating result of a deficit of \$0.088 mil under Electoral Services for 2010/2011 was around \$0.033 mil less than originally estimated for the year. The Electoral Services budget was projected to be in deficit by \$0.121 mil in 2010/2011. The ACT Government's financial framework provides appropriation funding for operating purposes on a cash needs basis and up-front funding for capital purchases through capital injection appropriation. Consequently, consistent with the ACT's financial framework, Electoral Services has been shown as having an operating loss where it has non-cash items such as depreciation.

Net total revenue received was around \$6,000 more than originally estimated, consisting of a decrease in Government payment for outputs and an increase in other revenue from fees for services. Overall, variable expenditure (that part of the Electoral Services budget over which the Commissioner has direct control) was under the budget allocation by approximately \$26,000. Fixed expenses equalled budget allocation.

The saving is due to several factors, including:

- ◇ Around \$32,000 more revenue generated than expected from fee for service ballots;
- ◇ The use of capital funds to employ Elections ACT permanent staff as project managers for the ICT systems upgrade for part of the year; and
- ◇ Savings in variable expenditure on administration such as the cost of the service level agreement for the provision of ICT equipment and services by Shared Services ICT.

The Commission also rolled over \$18,000 into the 2011/2012 budget, to reflect amounts not yet expended on the redistribution process and election preparations.

The Commission's total expenditure in 2010/2011 was approximately \$1,203,000. Details of the Commission's budget and expenditure are included in Table 3 on page 14.

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 JACS administrative structure for 2010/2011, the Commission was included in Output Class 1.6 – Electoral Services.

The financial transactions for the Commission for the year ending 30 June 2011 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.

Table 3 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 2010/2011

| ACT Electoral Commission | Budget \$'000 | Actual Outcome \$'000 |
|---------------------------------|--------------------------|----------------------------------|
| Revenue | | |
| Government Payment for Outputs | 1,091 | 1,065 |
| Other Revenue | 18 | 50 |
| Total Revenue | 1,109 | 1,115 |
| Expenses | | |
| Employee Expenses | 581 | 589 |
| Superannuation | 96 | 98 |
| Administration Expenses | 419 | 381 |
| Depreciation | 134 | 134 |
| Total Expenses | 1,230 | 1,203 |
| Operating Result | -121 | -88 |

The Commission received recurrent initiative funding of \$0.1 mil in 2010/2011 to cover costs associated with the redistribution and election readiness. The Commission requested that \$18,000 of this allocation be rolled over into the 2011/2012 budget. This was due in part to a delay in expenditure related to the redistribution process. This is reflected in the actual government payment for outputs and the administration expenses set out in Table 3.

In 2009/10, the Commission received capital funding of \$1.373 mil over 4 years for the upgrade of its election ICT systems for the 2012 Legislative Assembly election. Funding in 2009/10 was \$0.322 mil with expenditure of \$0.180 mil. Funding in 2010/11, including funds rolled over from 2009/10, was \$0.556 mil. Expenditure for 2010/11 was \$0.278 mil, with unexpended funds rolled over to 2011/12. It is anticipated that all systems will be completed within budget well before the 2012 election.

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 16 to page 51.

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 2010/2011 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**.

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.

On 31 March 2011, the Attorney General presented two bills in the ACT Legislative Assembly: the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011. These bills included a range of measures intended to give effect to some of the recommendations put forward by the Commission in its report on the conduct of the 2008 election. These bills are discussed below under **Electoral legislation** at page 30.

On 31 March 2011, the Attorney General also proposed that the two electoral legislation amendment bills and the Commission's report on the 2008 election be referred to the Standing Committee on Justice and Community Safety for inquiry and review. The Assembly agreed to refer this inquiry to the Committee on 7 April 2011.

Both the Commission and the Attorney General provided submissions to this inquiry in June 2011. These submissions discuss the recommendations made by the Commission in its review of the 2008 election in the context of the two electoral legislation amendment bills. In particular, the Attorney General's submission lists those of the Commission's recommendations which the ACT Government supported and those recommendations opposed by the Government. This inquiry is discussed further below under **Advice** at page 28.

Casual vacancy in the ACT Legislative Assembly

On 16 May 2011 the Speaker of the ACT Legislative Assembly informed the Electoral Commissioner that Mr Jon Stanhope MLA had that day resigned his office as Member for the Ginninderra electorate of the Assembly.

On 20 May 2011 the Commissioner published a notice in *The Canberra Times* inviting unsuccessful candidates who stood for the Ginninderra electorate at the 18 October 2008 election to apply to contest the vacancy.

At 12 noon on 30 May 2011 the Commissioner publicly declared that 6 candidates had applied to contest the casual vacancy.

As more than one candidate had applied to contest the vacancy, the Commissioner conducted a recount of the ballot papers counted for Mr Stanhope at the 2008 election immediately after the declaration of the candidates. At the completion of the recount, including the distribution of preferences using the eVACS® electronic counting system, with a quota for election of 4,436 votes, Dr Chris Bourke had received 4,563 votes.

The count of votes to decide the vacancy was conducted in a matter of minutes using the eVACs® system.

Accordingly, the Commissioner declared Dr Bourke elected to the ACT Legislative Assembly for the electorate of Ginninderra on 1 June 2011.

Preparations for the 2012 ACT Legislative Assembly election

A major area of focus for the Commission and Elections ACT in 2010/2011 was the planning and preparation for the 2012 Legislative Assembly election.

One of the most significant activities undertaken in preparation for the 2012 election was continuing the 4-year re-development of Elections ACT ICT election systems, for which funding commenced in the 2009/2010 Budget. This is a major project with the objective of having the updated systems in place for the 2012 election. Work undertaken during the year on these systems included:

- ◇ Progressing the upgrade of eVACs®, the electronic voting and counting system;
- ◇ Sourcing hardware to be used at the 2012 election for the electronic voting and counting system;
- ◇ Finalising negotiations with the supplier of the ballot paper scanning system for re-use of the system deployed at the 2008 election;
- ◇ Progressing the integrated polling place management system that will include a new electronic roll mark-off system, ballot paper reconciliation tool, and vote count transmission facility;
- ◇ Progressing the upgrade of the election results system, including the tally room display; and
- ◇ Investigating options for the upgrade of the Elections ACT in-house suite of election management databases.

Each element of this project has a detailed project plan setting out timelines and budget. Detailed risk assessments have also been completed by the project managers. The Commission carefully monitored progress against the project plans throughout the year.

More detail on the progress of the work on the Commission's election ICT systems is listed under **Key result area 3.4 – Information/communication technology management**, on page 50.

During the year Elections ACT staff also reviewed and revised the detailed project plan for the 2012 election. This is a complex plan prepared before every ACT election, listing all the activities that must be undertaken to conduct a successful election. In particular, this plan assists Elections ACT staff to schedule the many processes required to be completed in the months leading up to the election period, including arranging accommodation for the Commission's expanded election year operation, hiring polling venues, purchasing equipment and arranging for the recruitment of temporary management staff. Many of these activities will commence in the 2011/2012 year.

Review of the operation of the ballot paper scanning system used at the 2008 ACT Legislative Assembly election

Elections ACT staff conducted a review of the operation of the ballot paper scanning system used at the October 2008 Legislative Assembly election during the reporting year.

The results of the review show a very high degree of accuracy in the system, but also identified a few minor areas for improvement.

The review was conducted by comparing scanned images of ballot papers marked by voters with the computer records of those ballots as recorded by the scanning system. The survey of 6,000 ballot papers included all 556 informal ballot papers that passed through the scanning system, and another 5,444 formal ballots papers selected at random.

The preferences on one ballot paper were shown to have been incorrectly allocated to candidates in a party column. The bottom left hand corner of the ballot paper was folded over to cover the Robson-rotation number, and the character recognition software incorrectly read the fold in the paper to be the Robson-rotation number 1. The error did not make any difference to the count, as the ballot paper exhausted once all the candidates in the affected group were excluded from the count. The scanning program will be updated to ensure that the Robson-rotation numbers printed on the left and right side of the ballot paper are both taken into consideration when determining the order of the rotation.

The preferences on 2 ballot papers were found to have been incorrectly interpreted by verification operators, resulting in formal ballot papers being incorrectly counted as informal. These were human errors, rather than system errors. Elections ACT is reviewing its operator instructions to ensure this situation does not recur. These errors did not make any difference to the final results.

Another area for improvement relates to the operator instructions where a ballot paper is informal only because it is a declaration ballot paper found in an ordinary ballot paper ballot box. A few instances were identified where the operator did not correctly flag the ballot paper so that it would be treated as informal. As a result those few ballot papers were incorrectly included in the count. There were not sufficient instances identified to impact on the result in any electorate. Again, Elections ACT is reviewing its operator instructions to ensure this situation does not recur.

The review also identified where improvements could be made in ballot paper flow through the scanning operation. These improvements are aimed at increasing the speed of the scrutiny process; they do not indicate that errors were made in the vote count.

Overall, the review indicated that the scanning system was an extremely accurate method of electronically capturing hand-written voter preferences on ballot papers. While the manual data-entry method used at the 2001 and 2004 elections was also shown to be extremely accurate at capturing preferences, Elections ACT staff consider that the scanning system used in 2008 had better control methods for verifying that ballot papers were correctly recorded. The scanning system also resulted in a faster count than the data-entry method used at the 2 previous elections. The scanning system was also well received by scrutineers present during the count.

The minor issues identified by the review will be addressed at the 2012 election. As the software was shown to operate very effectively, no changes will be made to the software used for the 2012 election, other than the minor change referred to above to ensure that the Robson-rotation numbers printed on the left and right side of the ballot paper are both taken into consideration when determining the order of the rotation.

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 2010/2011.

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 2010/2011. Details of these elections are shown in Table 4.

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 4 – Interstate and international elections

| Election | Polling day | Assistance provided | Votes |
|--|-------------|-----------------------------------|--------------|
| Western Australia State by-election - Armadale | 2/10/2010 | Pre-poll voting | 0 |
| New Zealand Mana by-election | 20/11/2010 | Pre-poll voting | 0 |
| Victorian State General election | 27/11/2010 | Pre-poll voting and postal voting | 567 |
| Tasmanian Legislative Council elections (Derwent, Launceston and Rumney) | 7/05/2011 | Pre-poll voting | 0 |
| Total | | | 2,567 |

Statutory and fee-for-service elections

In addition to elections for the ACT Legislative Assembly, various ACT statutes require the Electoral Commissioner to conduct elections for statutory bodies.

The *Aboriginal and Torres Strait Islander Elected Body Act 2008* provides for the conduct of elections for the Aboriginal and Torres Strait Islander Elected Body every 3 years. The first election for the Elected Body was held from May to July in 2008. The second election for the Elected Body was held from April to May in 2011. Casual vacancies on the Elected Body are filled where possible by a countback of ballot papers from the previous general election under the Hare-Clark system. A casual vacancy was filled by countback in August 2010.

Up until 2009, the Electoral Commissioner was responsible for conducting elections for health professionals boards in the ACT under the *Health Professionals Regulation 2004*. On 1 July 2010 national health professionals boards for ten professions—chiropractors, dental care practitioners (including dentists, dental hygienists, dental prosthetists and dental therapists), medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, and psychologists — came into force and replaced the existing state and territory health professionals boards. As a result, the Electoral Commissioner will no longer be required to conduct elections for ACT health professionals boards.

Aboriginal and Torres Strait Islander Elected Body election 2011

Elections ACT conducted the 2011 election of 7 members to the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) in April-May 2011. This was the second election of members to the Elected Body, the first being in 2008.

The election timetable is established by the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (ATSIEB Act), and is set out in Table 5.

Table 5 – 2011 ATSIEB election timetable

| | |
|---|----------------------------------|
| Election start day (candidate nominations opened) | 11 April 2011 |
| Close of electoral roll | 5 pm 20 April 2011 |
| Close of Nominations | 12 noon 27 April 2011 |
| Declaration of nominations | 12 noon 28 April 2011 |
| Order of ballot paper decided | After declaration of nominations |
| Start of voting | 2 May 2011 |
| Last day of voting | 7 May 2011 |
| Counting of votes commenced | 17 May 2011 |
| Result of election declared | 18 May 2011 |

Nominations were received from 15 candidates. Their names were publicly declared on Thursday 28 April 2011. Voting at polling places commenced on Monday 2 May 2011 and concluded on Saturday 7 May 2011. Postal voting was also available.

Arrangements were made through the Department of Housing and Community Services and the Indigenous Liaison Officer at the Alexander Machonochie Centre to provide postal votes to those prisoners who requested them.

A total of 175 votes were admitted to the scrutiny conducted on 17 May 2011, of which 173 were formal votes. The count was concluded on 17 May and the result officially declared on 18 May 2011.

Aboriginal and Torres Strait Islander Elected Body casual vacancy 2010

On 16 July 2010 the Chairperson of ATSIEB notified the Electoral Commissioner that Mr Paul House had resigned his position on the Elected Body, triggering a casual vacancy.

In accordance with the ATSIEB Act, all unsuccessful candidates at the 2008 election were notified of the vacancy and invited to apply to contest the casual vacancy. As 2 candidates applied to contest the vacancy, a recount of the former member's ballot papers was conducted on 3 August 2010.

The result of the recount was that Mr Jason Oakley was declared elected to the Elected Body on 4 August 2010, with the Chairperson of the Elected Body notified accordingly.

Fee-for-service electoral services

Elections ACT conducts elections and provides other electoral services for other organisations under the Commission's power to provide services for determined fees.

A significant ICT project undertaken in 2010/2011 was the development of the netVote system, a system designed to create an online voting system for use by Elections ACT when running fee-for-service elections for ACT organisations. The first phase of development centred on creating a system capable of hosting simple "yes/no" ballots such as enterprise agreement ballots. If funding permits, a second phase development could see the system extended to cater for online ballots for candidates. It is envisaged that netVote will be used for the first time while running the ACT government enterprise agreement ballots due in 2011/2012.

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 2010. Details of these elections are shown in Table 6.

Nominations for the ANU Union elections closed on 20 July, polling was conducted from 2 to 5 August and the results were determined on 6 August.

For the ANUSA elections, nominations closed on 11 August, polling was conducted from 23 to 26 August and final results were determined on 30 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 6 – Australian National University elections

| Election | Vacancies | Candidates | Votes |
|--|------------------|-------------------|--------------|
| Election of 4 ANU Union directors | 4 | 9 | 1,116 |
| ANU Students' Association annual elections | 44 | 68 | 1,125 |
| Total | 48 | 77 | 2,241 |

Enterprise agreement ballots

Elections ACT conducted 16 enterprise agreement ballots for ACT government agencies in 2010/2011. Details of these ballots are shown in Table 7 in chronological order.

Table 7 – Enterprise agreement ballots

| Election | Polls closed | Result provided | Votes |
|---|--------------|-----------------|--------------|
| ACT Planning and Land Authority enterprise agreement ballot | 14/10/2010 | 14/10/2010 | 158 |
| Department of Land and Property Services enterprise agreement ballot | 21/10/2010 | 21/10/2010 | 100 |
| Department of the Environment, Climate Change, Energy and Water enterprise agreement ballot | 22/10/2010 | 22/10/2010 | 65 |
| Chief Minister's Department enterprise agreement ballot | 26/10/2010 | 26/10/2010 | 143 |
| ACT Department of Treasury enterprise agreement ballot | 29/10/2010 | 29/10/2010 | 127 |
| ACT Public Sector Nursing and Midwifery enterprise agreement ballot | 02/11/2010 | 02/11/2010 | 1,128 |
| ACT Department of Education and training (Non-teaching staff) enterprise agreement ballot | 04/11/2010 | 04/11/2010 | 841 |
| Department of Disability, Housing and Community Services enterprise agreement ballot | 05/11/2010 | 05/11/2010 | 527 |
| Department of Territory and Municipal Services enterprise agreement ballot | 18/11/2010 | 18/11/2010 | 1,023 |
| ACT Health General enterprise agreement ballot | 10/12/2010 | 10/12/2010 | 1,347 |
| ACT Fire Brigade enterprise agreement ballot | 15/12/2010 | 15/12/2010 | 163 |
| Department of Justice and Community Safety enterprise agreement ballot | 22/12/2010 | 22/12/2010 | 441 |
| ACT Legal Aid Commission enterprise agreement ballot | 12/01/2011 | 12/01/2011 | 27 |
| Cultural Facilities Corporation enterprise agreement ballot | 20/01/2011 | 20/01/2011 | 62 |
| ACT Auditor General's enterprise agreement ballot | 02/02/2011 | 02/02/2011 | 18 |
| ACT Ambulance Service enterprise agreement ballot | 21/06/2011 | 21/06/2011 | 78 |
| Total | | | 6,248 |

Other elections

Elections ACT conducted or assisted with 4 other elections in 2010/2011. Details of these elections are shown in Table 8 in chronological order.

Table 8 – Other elections

| Election | Vacancies | Candidates | Polls closed | Result provided | Votes |
|---|------------------|-------------------|---------------------|------------------------|--------------|
| Canberra Southern Cross Club Board of Directors | 3 | 4 | 5/10/2010 | 5/10/2010 | 3,295 |
| National Press Club Board of Directors | 6 | 8 | 19/11/2010 | 19/11/2010 | 172 |
| Aboriginal Justice Centre Inc Election of Board Members | 7 | 6 | 7/12/2010 | 7/12/2010 | na |
| Australian Trucking Association General Council - Single Truck Owner/Driver | 1 | 5 | 7/03/2011 | 7/03/2011 | 88 |
| Total | 17 | 23 | | | 3,555 |

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 |
|---|--|--|
| High level of electoral enrolment | Participation rate >95% of eligible population | Enrolment was 94.6% of eligible population at 30 June 2011. |
| 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 | A redistribution of electoral boundaries commenced in January 2011 and was still underway on 30 June 2011. The redistribution is expected to conclude in the second half of 2011. All relevant statutory requirements had been met as at 30 June 2011. |
| | | |

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 2010/2011:

- ◇ ACT Electoral Commission *Annual Report 2009/2010*;
- ◇ Updated *Electoral Compendium 1989-2011*;
- ◇ *ACT Legislative Assembly Electoral Boundaries Redistribution 2011 Guidelines for submissions/Current and projected electoral enrolment statistics*; and
- ◇ *ACT Legislative Assembly Electoral Boundaries Redistribution 2011 Proposed Redistribution of the ACT into Electorates*.

In addition, the following are available from the Commission:

- ◇ ACT Electoral Commission *Annual Reports* since 1992/1993;
- ◇ *Election Statistics* for the 1992, 1995, 1998, 2001, 2004 and 2008 elections;
- ◇ Reports on the conduct of the election and the operation of the *Electoral Act 1992* for the 1995, 1998, 2001, 2004 and 2008 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*;
- ◇ Redistribution reports, public submissions and statistics for the 1992, 1996, 2000, 2003 and 2007 redistributions;
- ◇ Information brochure on voting in the ACT for new citizens;
- ◇ Maps of ACT electorates;
- ◇ Various electoral enrolment and voting forms;
- ◇ Information Fact Sheets;
- ◇ Two student workbooks entitled *What is the ACT Legislative Assembly?* for primary and secondary school students visiting the Legislative Assembly (November 1999);
- ◇ *Customer commitment statement*;
- ◇ Freedom of information statements;

- ◇ Electronic voting data from the 2001, 2004 and 2008 ACT elections on CD-ROM (on request and payment of fee); and
- ◇ Electronic voting data from the 2008 ACT election available for free download from the Elections ACT website.

Internet

The Elections ACT website address is **www.elections.act.gov.au**. This website underwent a major upgrade in 2010/2011, updating the look and feel as well as introducing the use of a Content Management System.

Information and services provided on the website in 2010/2011 included:

- ◇ General information about the Commission and 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, and in particular regarding:
 - The Electoral Legislation Amendment Bill 2011;
 - The Electoral (Casual Vacancies) Amendment Bill 2011;
 - The provisions of the New South Wales and Victorian electoral laws related to direct enrolment of electors; and
 - The Electoral (Donations Limit) Amendment Bill 2011;
- ◇ Providing a submission to the Legislative Assembly Standing Committee on Justice and Community Safety in relation to its inquiry into the electoral legislation amendment bills and the Commission's Report on the 2008 election;
- ◇ Appearing before the Select Committee on Estimates 2011/2012;
- ◇ Appearing before the Standing Committee on Legal Affairs in relation to the Commission's 2009/2010 annual report;
- ◇ Giving a presentation to Australian Electoral Commission staff on the ACT's ballot paper scanning system; and
- ◇ Briefing a delegation from the Election Commission of Bhutan.

During the year the Commission worked with the Attorney General to progress the recommendations made by the Commission in its review of the conduct of the 2008 election. The Commission provided advice to the Attorney General in relation to two electoral amendment bills introduced in the Legislative Assembly on 31 March 2011, giving effect to several of the recommendations made by the Commission. These bills, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011, are discussed below under **Electoral Legislation** at page 30. These two bills, and the Commission's report on the 2008 election, were referred to the Legislative Assembly Standing Committee on Justice and Community Safety for inquiry and report.

Legislative Assembly Standing Committee on Justice and Community Safety inquiry into the electoral legislation amendment bills and the Commission's Report on the 2008 election

At its meeting of 7 April 2011, the ACT Legislative Assembly passed the following resolution:

That the ACT Electoral Commission's report, entitled *Report on the ACT Legislative Assembly Election 2008*, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011 be referred to the Standing Committee on Justice and Community Safety for inquiry and report to the Assembly by 22 September 2011.

In conducting this review the Committee should have regard to a range of issues including but not limited to:

1. the ACT Electoral Commission's Report on the ACT Legislative Assembly Election 2008;
2. the amendments proposed to be made by the Electoral Legislation Amendment Bill 2011;
3. the amendments proposed to be made by the Electoral (Casual Vacancies) Amendment Bill 2011;
4. the application of the Proportional Representation (Hare-Clark) Entrenchment Act 1994 to the Electoral (Casual Vacancies) Amendment Bill 2011; and
5. any other relevant matter.

The Commission made a detailed submission to this inquiry on 30 June 2011. Issues addressed in this submission include:

- ◇ Notable features of elections for the ACT Legislative Assembly;
- ◇ Electoral reform developments in Australia;
- ◇ The Commission's report on the 2008 election;
- ◇ The Electoral Legislation Amendment Bill 2011;
- ◇ The Electoral (Casual Vacancies) Amendment Bill 2011;
- ◇ Extending the right to cast a pre-poll vote to all electors;
- ◇ Authorisation of double-sided stickers containing electoral matter;
- ◇ Defamation of candidates;
- ◇ Increasing the penalty notice fine for failure to vote;
- ◇ Electoral enrolment;
- ◇ Party registration;
- ◇ Electoral funding and financial disclosure issues;
- ◇ Redistribution of electoral boundaries;
- ◇ The size of the Legislative Assembly and the number of members to be elected in each electorate;
- ◇ Statutory independence; and
- ◇ Election information and communication technology systems.

The Commission made 14 recommendations in its submission regarding matters for the Committee's consideration. A copy of the Commission's submission can be found at: **www.elections.act.gov.au** .

The ACT Government also made a submission to this inquiry. This submission examined each of the recommendations made by the Commission in its report on the 2008 election and indicated that the Government supported some of the recommendations and did not support others. A copy of the Government's submission, and other submissions made to this inquiry, can be found on the Committee's website at: **www.legassembly.act.gov.au**.

This Committee inquiry is expected to report in the 2011/2012 year.

Electoral Legislation

In 2010/2011 the Commission provided the Attorney General and other Assembly Members with advice on several issues that related to the ACT's electoral legislation.

In particular, the Commission provided advice to the Attorney General in relation to two electoral amendment bills introduced in the Legislative Assembly on 31 March 2011, giving effect to several of the recommendations made by the Commission in its *Report on the ACT Legislative Assembly Election 2008*. These bills, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011, and the Commission's report on the 2008 election, were referred to the Legislative Assembly Standing Committee on Justice and Community Safety for inquiry and report (see **Advice** at page 28).

Electoral Legislation Amendment Bill 2011

The Electoral Legislation Amendment Bill 2011 makes a number of amendments to the Electoral Act and the *Electoral Regulation 1993*, and makes consequential amendments to the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

The amendments primarily arise from recommendations made by the Commission in its Report on the *ACT Legislative Assembly Election 2008*. Another amendment to lower the age of provisional enrolment arises from changes made in 2010 to the *Commonwealth Electoral Act 1918*.

The Electoral Legislation Amendment Bill:

- ◇ Lowers the age of entitlement to provisionally enrol to vote from 17 years old to 16 years old, to bring the ACT into line with recent changes to Commonwealth entitlements (the requirement that an elector be 18 years old before they can vote is not affected);
- ◇ Limits the number of candidates that may be nominated for an election in an electorate by a party to no more than the number of members of the Legislative Assembly to be elected for the electorate;
- ◇ Provides for the return of a candidate's deposit to the person who paid it, or to a person authorised in writing by the person who paid it;
- ◇ Provides that the certified list of electors used in polling places contain the year of birth and gender of each elector, to assist in correctly identifying electors as they vote, and provides that the extract of the certified list of electors provided to candidates will not contain the year of birth and gender of electors in order to protect their privacy;
- ◇ Allows the Electoral Commissioner to provide the extract of the certified list of electors to candidates in electronic form on request (currently only printed copies are provided);
- ◇ Removes the requirement for a person to sign as witness when a voter is casting a postal vote; and
- ◇ Provides flexibility to the Electoral Commissioner as to where the word "declaration" is to be printed in relation to the words "ballot paper" on declaration ballot papers.

The Bill also makes consequential amendments to the *Aboriginal and Torres Strait Islander Elected Body Act 2008*, which applies various provisions of the Electoral Act to the conduct of elections for the Elected Body.

This Bill gives effect to recommendations 1, 2, 3, 4, 6, 7 and 8 included in the Commission's 2008 election report.

As this bill has been referred to the Legislative Assembly Standing Committee on Justice and Community Safety for inquiry and report by 22 September 2011, it is anticipated that it will be debated by the Legislative Assembly later in 2011/2012.

Electoral (Casual Vacancies) Amendment Bill 2011

The Electoral (Casual Vacancies) Amendment Bill 2011 enacts a number of amendments to the casual vacancy provisions of the Electoral Act and makes consequential amendments to the Aboriginal and Torres Strait Islander Elected Body Act.

This Bill provides that where a casual vacancy arises and the vacating member was elected as a party candidate, and no unsuccessful candidates from that party apply to contest the vacancy, the vacancy would be filled by the Assembly appointing a person to fill the vacancy who has been nominated by the vacating member's party.

The Bill gives effect to recommendation 15 made by the Commission in its report on the conduct of the 2008 election.

As this bill has been referred to the Legislative Assembly Standing Committee on Justice and Community Safety for inquiry and report by 22 September 2011, it is anticipated that it will be debated by the Legislative Assembly later in 2011/2012.

Electoral (Donation Limit) Amendment Bill 2011

On 22 June 2011 Mr Brendan Smyth MLA presented a private Member's bill in the Assembly, the Electoral (Donation Limit) Amendment Bill 2011.

The Bill inserts a new offence in the Electoral Act to provide that a person or entity must not give a party one or more gifts in a financial year totalling more than \$50,000.

The Bill inserts a second new offence in the Electoral Act to provide that a party must not receive from a person or entity one or more gifts in a financial year totalling more than \$50,000.

The Bill inserts a third new offence in the Electoral Act to provide that if, in a financial year, a party, a party candidate, an MLA or an associated entity of the party receives a gift or gifts totalling \$49,500 or more, from the same person, the receiver must within 14 days of receiving the gift, or the last gift, give the giver a written notice about the prohibition on making gifts of more than \$50,000.

If this Bill is passed, the above amendments creating these offences would be taken to have commenced on 22 June 2011 and would expire on 1 December 2012 (polling day for the next ACT election is 20 October 2012).

The Commission provided advice to the Attorney General and to a non-Government MLA on this bill.

Minor amendments to the Electoral Act passed in 2010/2011

Two sets of minor amendments to the Electoral Act were passed by the Legislative Assembly in 2010/2011.

The Liquor (Consequential Amendments) Act 2010 made amendments to the Electoral Act by replacing references to the *Liquor Act 1975* with references to the *Liquor Act 2010*. The amendments took effect on 1 December 2010.

The Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 made amendments to the Electoral Act and to the Electoral Regulation 1993 by replacing references to chief executive with references to director-general. It also made amendments to the *Electoral Regulation 1993* by replacing references to the Treasury with references to the Treasury Directorate. The amendments took effect on 1 July 2011.

Amendments to the Commonwealth Electoral Act relevant to the ACT

The Commonwealth Parliament passed two electoral related Acts in June 2010 which included provisions that have a direct impact on ACT electors. These two Acts are:

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

The provisions that impact on ACT electors took effect in July 2010.

The Pre-Poll Act 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 automatically applies to electors enrolling for ACT Legislative Assembly elections.

The Modernisation Act 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 also automatically applies to ACT provisional electors who enrol under the Commonwealth Electoral Act. The Electoral Legislation Amendment Bill 2011 includes an amendment to the ACT's Electoral Act that will make a consequential change to that Act to ensure that the terminology used in both Acts for provisional enrolment is consistent.

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. The current base rate applies for the period 2009/2012. A fee of \$0.71512 per elector (up from \$0.69893 per elector in 2009/2010) was set for 2010/2011. Joint roll payments for the year totalled \$173,903 (excluding GST).

Completeness and accuracy of the ACT electoral roll

The maintenance of the electoral roll to a high level of completeness and accuracy is one of the key tasks undertaken by all Australian electoral authorities. The importance of this task for the ACT Electoral Commission is indicated by the inclusion in the budget papers of an ongoing performance indicator aimed at demonstrating that the ACT has secured a high level of electoral enrolments. The target for this indicator is greater than 95% of the eligible population. As at 30 June 2011 it is estimated that 94.6% of the eligible population was enrolled in the ACT.

As the tables set out in this section demonstrate, the level of enrolment of in the ACT fluctuates according to the election cycle; however, overall participation remains relatively steady at around 93%-97% of eligible citizens. This compares favourably with the Australian average participation rate, which was around 91% at 30 June 2011. The ACT and Tasmania are consistently the two Australian jurisdictions with the highest participation rates. However, the tables below also indicate that participation by people in the younger age groups is comparatively low, particularly at periods in the election cycle removed from general election dates.

The Australian Electoral Commission has estimated that around 1.4 million eligible citizens were not enrolled nationwide at the time of the 2010 federal election. This total includes an estimate of around 11,700 eligible citizens who were not on the ACT electoral roll.

In an effort to improve participation rates in their jurisdictions, in 2010/2011 Victoria and New South Wales introduced schemes for "direct enrolment" of various classes of electors, and election-day enrolment for people who are not on the electoral roll. These schemes applied in the lead up to the recent Victorian and NSW elections. "Direct enrolment" is a method of updating the electoral roll using data from trusted sources to enrol people or to update the addresses of enrolled electors without requiring electors to complete enrolment forms.

The Commission has addressed the issue of whether the ACT should be considering adopting direct enrolment and election-day enrolment in its submission to the Legislative Assembly Standing Committee on Justice and Community Safety in relation to its inquiry into the electoral legislation amendment bills and the Commission's Report on the 2008 election.

Continuous Roll Update (CRU) is the term used to describe the range of methods currently used to update the ACT 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 ACT Motor Registry, the ACT Board of Senior Secondary Studies and ActewAGL continued to be used in 2010/2011 to generate letters to households where electors may need to update their enrolment. This constituted the main enrolment stimulation activity during 2010/2011.

The national enrol to vote week, generally held early in each financial year, was held in May 2010 in anticipation of the federal election being called in the near future. An enrol to vote week was not held during the 2010/2011 year.

The federal election held on 21 August 2010 provided a major stimulus to electoral roll numbers. This boost in numbers at the time of an election is not unusual. However, as the federal election was early in the reporting period, the impact of the election on enrolment diminished by the end of the reporting period.

Table 9 shows details of enrolment activity on the ACT electoral roll for the past 3 reporting years. This is the first time this information has been included in the Commission's annual report.

Table 9 – Enrolment activity – ACT electoral roll

| | 2008/2009 | 2009/2010 | 2010/2011 |
|---|----------------|----------------|----------------|
| Enrolment at 1 July¹ | 241,112 | 245,024 | 242,415 |
| Additions | +15,417 | +16,067 | +17,837 |
| New enrolment | 5,624 | 5,929 | 4,912 |
| Re-enrolment | 1,953 | 2,769 | 3,462 |
| Re-instatement | 34 | 159 | 30 |
| Transfer into the ACT | 7,806 | 7,210 | 9,433 |
| Movements within the ACT | | | |
| Transfers between electorates | 4,842 | 4,659 | 5,857 |
| Changes within electorates | 10,568 | 9,762 | 13,003 |
| No change enrolment ² | 2,143 | 1,887 | 5,319 |
| Adjustments³ | -8 | -14 | -28 |
| Previous federal only (+) | 14 | 8 | 21 |
| Voters to provisional (-) | -1 | -1 | -1 |
| Now federal only (-) | -21 | -21 | -48 |
| Deletions | -11,497 | -18,662 | -12,563 |
| Objections ⁴ | -2,410 | -10,550 | -1,696 |
| Deaths | -1,437 | -1,188 | -1,520 |
| Duplications | -47 | -24 | -119 |
| Transfers out of the ACT | -7,603 | -6,900 | -9,228 |
| Enrolment at 30 June¹ | 245,024 | 242,415 | 247,661 |

Note 1: The figures in the table do not include the enrolment of 17 year olds.

Note 2: "No change enrolment" refers to the number of applications for enrolment received where the elector is already enrolled and the elector details (name, address etc) on the new application are the same as the details under which the elector is enrolled. That is, there is no change made to the existing enrolment.

Note 3: Adjustments: "Previous federal only" are electors who were on the federal roll in the ACT but not on the ACT Legislative Assembly roll. These electors would include those who were enrolled for Norfolk Island or Jervis Bay who now live in the ACT, and electors who were enrolled as eligible overseas electors who did not have a fixed intention to return to the ACT, who now live in the ACT. "Voters to provisional" are those electors who were incorrectly enrolled as being at least 18 years of age, but on checking were 17 years of age. "Now federal only" are electors who were on the joint ACT and federal roll but are now not on the ACT roll, such as electors who have moved to Norfolk Island or Jervis Bay from the ACT, and electors who have enrolled as eligible overseas electors who have indicated they do not have a fixed intention to return to the ACT.

Note 4: "Objections" primarily refers to those electors removed from the roll because they have left their enrolled address without re-enrolling elsewhere. This category also includes persons removed from the roll because they have been found not to be citizens. Objections to enrolment are made by the AEC's Divisional Returning Officer for the division for which the person was enrolled, based on information received from change of address data.

Table 10 shows enrolment by age group as at 19 September 2008 (the date of the close of rolls for the 2008 Legislative Assembly election), 30 June 2010 and 30 June 2011, 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 increased from 242,415 at 30 June 2010 to 247,661 at 30 June 2011. The percentage enrolment has also increased from 93.6% to 94.6%, which is marginally less than the performance target of 95%.

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 69.3% at 30 June 2010, and to 33.0% at 30 June 2011. This outcome is consistent with observed trends that indicate that high proportions of young people do not enrol unless an election is imminent. However, it is of concern that the level of 18 year old enrolment was markedly lower at 30 June 2011 than might be expected. The level of 18 year old enrolment is the lowest since reporting of the percentage of enrolment by age group began in 2003/2004. Elections ACT has been in discussion with the AEC regarding the planning of enrolment activity for calendar year 2012 in the approach to the 2012 ACT Legislative Assembly election. Enrolment of 18 year olds will be a priority activity during this period.

The percentage of enrolment in every age group, except for 18 year olds and marginally for the 40 to 44 and 45 to 49 age cohort, has increased from 30 June 2010 and 30 June 2011. This is indicative of the high level of enrolment for the federal election in August 2010, and the gradual impact of low enrolment stimulation activity typical of non-election periods thereafter, as is especially evident in its impact on the enrolment level of 18 year olds.

While enrolment additions and movements within the ACT, as shown in Table 9, were higher in 2009/2010 than 2008/2009, the number of deletions, particularly objections, has negated the increase in additions to the roll and resulted in the decline in enrolment from 30 June 2009 to 30 June 2010. This outcome was discussed in the Commission's 2009/2010 annual report.

Table 10 – Enrolment by age group

| Age group | 19 September 2008 ¹ | | 30 June 2010 | | 30 June 2011 | |
|--------------|--------------------------------|---|---|---|---|---|
| | Number enrolled | % of estimated entitled to enrol ⁴ | Number enrolled and entitled to vote ³ | % of estimated entitled to enrol ⁴ | Number enrolled and entitled to vote ³ | % of estimated entitled to enrol ⁴ |
| 18 | 3,850 ² | 79.9% | 3,131 | 69.3% | 1,498 | 33.0% |
| 19 | 4,453 | 85.4% | 3,665 | 76.2% | 4,254 | 84.2% |
| 20-24 | 24,078 | 91.1% | 22,520 | 86.6% | 23,230 | 89.0% |
| 25-29 | 24,844 | 94.3% | 24,315 | 88.5% | 25,333 | 90.7% |
| 30-34 | 23,249 | 97.4% | 22,647 | 94.1% | 23,934 | 95.1% |
| 35-39 | 25,030 | 98.4% | 24,389 | 93.5% | 24,200 | 95.0% |
| 40-44 | 22,829 | 98.4% | 22,857 | 98.7% | 23,834 | 98.1% |
| 45-49 | 23,618 | 98.3% | 23,139 | 96.0% | 23,082 | 95.7% |
| 50-54 | 21,819 | 100.0% | 22,203 | 97.7% | 22,664 | 98.2% |
| 55-59 | 20,418 | 101.2% | 20,093 | 98.6% | 20,236 | 100.2% |
| 60-64 | 16,647 | 100.7% | 18,044 | 97.8% | 18,632 | 101.2% |
| 65-69 | 10,716 | 100.3% | 11,734 | 96.9% | 12,432 | 100.2% |
| 70+ | 21,920 | 99.6% | 23,678 | 94.7% | 24,332 | 97.2% |
| Total | 243,471 | 97.1% | 242,415 | 93.6% | 247,661 | 94.6% |

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

Note 2: The 3,850 electors shown as 18 year olds in 2008 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.

Note 3: As 17 year old enrolment is voluntary, the number of 17 year olds on the roll are not included in the total for the ACT for 30 June 2010 and 2011. There were 767 and 241 17 year olds on the electoral roll at 30 June 2010 and 2011, respectively.

Note 4: The estimates of the proportion of electors who are actually enrolled compared to the estimated number of people eligible to enrol needs to be treated with caution, as the latter is based on various assumptions about residency and eligibility. The estimates for the 3 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 there is a delay in removing people from the roll by the AEC, where it has information that people may have left their enrolled address, pending further investigation of these enrolments.

Table 11 sets out enrolment by age by ACT electorate as at 30 June 2011. This is the first time this information has been reported. Future annual reports will provide comparisons of enrolment from year to year.

Table 11 – Enrolment by age group by electorate as at 30 June 2011

| Age group | Brindabella | Ginninderra | Molonglo | Total ACT |
|---------------------------|---------------|---------------|----------------|----------------|
| 18 | 568 | 398 | 532 | 1,498 |
| 19 | 1,444 | 1,118 | 1,692 | 4,254 |
| 20-24 | 7,384 | 6,380 | 9,466 | 23,230 |
| 25-29 | 6,659 | 7,081 | 11,593 | 25,333 |
| 30-34 | 5,986 | 7,069 | 10,879 | 23,934 |
| 35-39 | 6,457 | 6,996 | 10,747 | 24,200 |
| 40-44 | 6,862 | 6,534 | 10,438 | 23,834 |
| 45-49 | 7,692 | 5,902 | 9,488 | 23,082 |
| 50-54 | 7,548 | 6,086 | 9,030 | 22,664 |
| 55-59 | 6,637 | 5,848 | 7,751 | 20,236 |
| 60-64 | 5,394 | 5,930 | 7,308 | 18,632 |
| 65-69 | 3,219 | 3,898 | 5,315 | 12,432 |
| 70+ | 5,416 | 6,573 | 12,343 | 24,332 |
| Total ¹ | 71,266 | 69,813 | 106,582 | 247,661 |

Note 1: The number of 17 years olds enrolled is not included in the total enrolment. The numbers of 17 year olds enrolled at 30 June 2011 were 71 in Brindabella, 75 in Ginninderra and 95 in Molonglo.

Two amendments made by the Commonwealth Parliament to the *Commonwealth Electoral Act 1918* in June 2010, and implemented in the 2010/2011 reporting year, before the 2010 federal election, impacted on the enrolment of electors on the ACT electoral roll.

The first amendment enables those electors already enrolled to update their address on the roll by electronic means. In practice, this means that electors are 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 previous 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. Before this amendment was made, 17 year olds could enrol and then vote once they turn 18. Reducing the age of provisional enrolment to 16 years (while retaining the voting age at 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. A complementary amendment to the ACT's Electoral Act is included in the Electoral Legislation Amendment Bill 2011, which was under consideration by the Legislative Assembly at the time of preparing this report.

Electoral Council of Australia

The Electoral Council of Australia (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 2010/2011, while the Deputy Electoral Commissioner attended the third.

Main issues discussed by the ECA in 2010/2011 included the management of the joint electoral rolls and opportunities for cooperation between jurisdictions, particularly with respect to research, and sharing of information, facilities and equipment.

Commissioner's Advisory Board on Electoral Research (CABER)

At the ECA meeting held on 26 November 2010, the Australian Electoral Commissioner Mr Ed Killesteyn presented a paper on a proposal to establish a Commissioner's Advisory Board on Electoral Research (CABER). ECA members agreed to participate on the proposed Board.

CABER had its inaugural meeting in Canberra on 7 April 2011 and its second meeting on 24 June 2011. The function of CABER is to provide the Australian Electoral Commissioner with advice on electoral research. It will also provide advice on progressing a strategic electoral research framework to better inform and support delivery of electoral services and influence electoral policy reform in Australia. If the Australian Electoral Commissioner determines the need to undertake research the Australian Electoral Commission will procure, as appropriate, the required research services.

CABER consists of representatives from the Australian Electoral Commission, the State and Territory Electoral Commissioners, the Australian Broadcasting Corporation, the Australian Parliamentary Library and academic institutions. The State and Territory Electoral Commissioners appointed the ACT Electoral Commissioner, Mr Green, as their representative on CABER.

State and Territory Electoral Commissioners meetings

Since 2007 the State and Territory Electoral Commissioners have convened their own forum (known as STEC) 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 seek input from any person or organisation that it considers appropriate; and
- ◇ work co-operatively with the Electoral Council of Australia on relevant matters.

Representatives of the Australian Electoral Commission attend STEC meetings by invitation.

STEC met three times in 2010/2011. Issues discussed included online voting systems, electronic electoral rolls and other electronic systems in polling places, the adoption of direct enrolment by New South Wales and Victoria, use of SMS text messaging to contact electors, and performance assessment and recruitment of polling officials.

STEC members appointed the ACT Electoral Commissioner, Mr Green, as their representative on CABER (see **Electoral Council of Australia** above).

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 services to school, community and professional groups. The education program is aimed primarily at raising community awareness of the ACT's electoral system. Sessions include mock elections for school and community groups, conduct of Student Representative Council elections and Public Service seminars.

Elections ACT has a dedicated electoral education/information officer with formal teaching qualifications. In 2010/2011 this officer acted for part of the year as the office manager while the office manager took on the role of an election ICT systems upgrade project manager as part of this year's critical focus on the ICT project. As a result, the electoral education program was implemented on a reduced scale in 2010/2011. In order to address this issue in the important period leading up to the 2012 election, a program to train casual staff to conduct electoral education sessions, particularly with school groups, commenced during the reporting period to increase Elections ACT's capacity to deliver its electoral education program.

While the enrolment rate of 18 year olds has shown a notable decrease in 2010/2011, as discussed under **Completeness and accuracy of the electoral roll** on page 33, Elections ACT does not consider that its reduced election education program has contributed significantly to the drop in the participation rate of 18 year old electors. The education program is focussed primarily on students in the upper primary and lower secondary years, and is aimed at increasing knowledge of the electoral system; it is not geared to securing the enrolment of 17-18 year olds students.

Elections ACT's education sessions are often conducted in cooperation with the Legislative Assembly Education Officer in the Assembly building. 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.

Table 12 lists electoral education sessions conducted by Elections ACT staff in 2009/2010 and 2010/2011.

Table 12 – Electoral education sessions

| Organisation type | Number of participants 2009/2010 | Number of participants 2010/2011 |
|---------------------|-------------------------------------|-------------------------------------|
| Colleges | 190 | 42 |
| Community groups | 40 | 56 |
| High schools | 260 | 70 |
| Primary schools | 240 | 344 |
| Professional groups | 31 | 36 |
| Total | 761 | 548 |

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.

Schools continue to be encouraged to elect members to their Student Representative Council using the Hare-Clark system. The Commission offers assistance ranging from loaning electoral equipment to assisting with the election and scrutiny. In offering this assistance, the Commission aims to build skills within schools and contribute to students' experience of the democratic process.

A series of documents is available on the Elections ACT 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 that of the Legislative Assembly, by direct mail-out to schools and by referral from other organisations. A review of the program has commenced and is expected to be completed in 2011/2012.

Elections ACT continued its relationship with the ACT Department of Education and Training during 2010/2011. Information on Elections ACT education resources and education services was presented to a Teachers' Professional Development Day attended by teachers from a number of colleges and primary schools. The program and resources were promoted to new and experienced teachers at *Keys to Canberra*, an annual event held in conjunction with the New Educator Support Program.

Elections ACT joined with the Legislative Assembly, the Museum of Democracy at Old Parliament House, the National Archives of Australia, the Australian Electoral Commission and the ANU College of Law to again host the 2010 ACT Schools' Constitution Convention for interested Year 11 students.

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.

Applications to change the names of the registered officers of the Liberal Party of Australia (A.C.T. Division) and The ACT Greens were received during the reporting year. The applications were publicly notified, as required by the Electoral Act, inviting any objections to the changes. As no objections were received against either application, the register of political parties was amended accordingly. There were no other changes to the register of political parties during the year.

At least once in the life of each Assembly, the Electoral Commissioner conducts a membership check of each registered political party in accordance with part 7 of the Electoral Act, in order to be satisfied that each party retains the right to be registered. Section 98 of the Electoral Act provides that the Commissioner must cancel the registration of a party if the Commissioner believes on reasonable grounds that the party does not have at least 100 members who are ACT electors. Accordingly, the Commissioner wrote to all registered political parties in April 2011 requesting a list of at least 100 members who were on the ACT electoral roll in order to determine whether the parties continued to be eligible to be registered. The parties were given until 30 September 2011 to provide their lists. The Commissioner will report the outcome of this check in its 2011/2012 annual report.

As at 30 June 2011, the following 7 parties were listed on the register of political parties.

Table 13 – Registered political parties as at 30 June 2011

| 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

The Electoral Commissioner maintains a funding and financial disclosure scheme that operates with respect to ACT Legislative Assembly elections. The funding and financial disclosure scheme has two components: public funding of election campaign expenditure; and disclosure of financial transactions by registered political parties, MLAs, associated entities, candidates, third parties, broadcasters and publishers.

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:

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 accepted this recommendation, and commenced providing more detailed information in its 2009/2010 annual report. The tables and discussion in this section provide information with respect to the 2009/2010 annual returns which were lodged with the Commission during 2010/2011.

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 2009/2010 financial year by October 2010. Persons who donated more than \$1,000 to a party, MLA or associated entity were required to lodge annual returns by November 2010.

For the 2009/2010 financial year, 7 annual returns were received from political parties, 17 from MLAs, 1 from an associated entity and 25 from donors.

These returns were made public on 1 February 2011. Copies of the returns can be viewed at the Elections ACT website.

Table 14 shows a summary of the receipts, payments and debts for the 3 parliamentary parties and other parties for the 2008/2009 and 2009/2010 financial years.

Table 14 – Summary of receipts, payments and debts of ACT registered parties

| Party | 2008/2009 | | | 2009/2010 | | |
|--------------|--------------------|--------------------|------------------|--------------------|--------------------|------------------|
| | Receipts | Payments | Debts | Receipts | Payments | Debts |
| ALP | \$1,343,278 | \$2,179,795 | \$10,768 | \$967,619 | \$780,537 | \$56,700 |
| LP | \$972,108 | \$1,235,857 | \$208,368 | \$657,810 | \$405,042 | \$141,664 |
| Greens | \$200,837 | \$267,606 | \$1,029 | \$152,681 | \$122,296 | \$2,748 |
| Other | \$235,106 | \$243,981 | 0 | \$1,887 | \$3,290 | 0 |
| TOTAL | \$2,751,329 | \$3,927,239 | \$220,165 | \$1,779,997 | \$1,311,165 | \$201,112 |

Note 1: The 2008/2009 figures for 'Other' parties in this table were incorrectly reported in Table 12 on page 31 of the 2009/2010 Annual Report. Further, the figures shown for the ALP and LP in this table reflect amended returns submitted to the Commission during 2010/2011, and therefore show different amounts to those reported in the Commission's 2009/2010 annual report.

Note 2: The 2009/2010 figures are subject to updating following audits underway at the time of reporting.

The total of receipts and of payments for 2009/2010 are lower than for 2008/2009, the

latter being 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.

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 January to June 2011 period was 157.832 cents per eligible vote.

There were no public funding payments made in the 2010/2011 year as it was not an election year.

Public funding of parties compared to private funding

Table 15 shows the sources of funding of the three ACT parliamentary parties for the 2008/2009 and 2009/2010 financial years, broken down into private and public funding, and the private funding further broken down into those funds for which the payer is disclosed and the amount for which the payer is not disclosed.

Table 15 – Sources of funding received by the ACT Parliamentary parties

| 2008/2009 | ALP | | Liberal Party | | ACT Greens | |
|------------------------------------|-------------|---------------------|---------------|---------------------|------------|---------------------|
| | Amount | % of total received | Amount | % of total received | Amount | % of total received |
| Total received | \$1,343,278 | | \$972,108 | | \$200,837 | |
| Public ¹ | \$120,887 | 9.0% | \$98,759 | 10.2% | \$50,582 | 25.2% |
| Private | \$1,222,391 | 91.0% | \$873,349 | 89.8% | \$150,255 | 74.8% |
| Private – disclosed ² | \$1,065,964 | 87.2% | \$366,335 | 41.9% | \$25,359 | 16.9% |
| Private – undisclosed ³ | \$156,427 | 12.8% | \$507,014 | 58.1% | \$124,896 | 83.1% |

| 2009/2010 | ALP | | Liberal Party | | ACT Greens | |
|------------------------------------|-----------|---------------------|---------------|---------------------|------------|---------------------|
| | Amount | % of total received | Amount | % of total received | Amount | % of total received |
| Total received | \$967,619 | | \$657,810 | | \$152,681 | |
| Public ¹ | n/a | n/a | n/a | n/a | n/a | n/a |
| Private | \$967,619 | 100% | \$657,810 | 100% | \$152,681 | 100% |
| Private – disclosed ² | \$951,545 | 98.3% | \$471,653 | 71.7% | \$79,083 | 51.8% |
| Private – undisclosed ³ | \$16,074 | 1.7% | \$186,157 | 28.3% | \$73,598 | 48.2% |

Note 1: Public funding is received from the ACT or Australian Electoral Commissions under relevant public funding schemes in election years. 2009/2010 was not an election year.

Note 2: Private finding – disclosed is the total amount declared where the identity of the person or organisation making the payment, and the amount, is disclosed

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

Table 15 demonstrates that there is a substantial amount of funding received by the registered parties with respect to which the identity of the payer 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 \$1,000 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.

More detailed information and analysis on this issue is included 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.

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 3 Parliamentary parties: the Australian Labor Party (ACT Branch), the Liberal Party of Australia (A.C.T. Division) and The ACT Greens, and the ACT's only associated entity, the Canberra Labor Club. This audit was completed in 2011. While some matters required follow-up by the auditors, and by the parties and the Canberra Labor Club, the matters were not of a nature that would lead the Commissioner to consider further action. The matters detected in the audit of returns related to minor items of omission, errors in addition and items in accounts requiring further information to determine whether they should, or should not, be included in the annual returns. Amended returns addressing these issues have been posted to the Commission's website.

Audit of 2009/2010 annual returns

In early 2011 the Commissioner engaged auditors to undertake an audit of the 2009/2010 annual returns of the 3 Parliamentary parties: the Australian Labor Party (ACT Branch), the Liberal Party of Australia (A.C.T. Division) and The ACT Greens. Early feedback from the auditors indicates that matters identified and requiring follow-up are not of a nature that would lead the Commissioner to consider further action, other than the correction of returns. At the time of reporting, the audit was continuing. The matters detected are of a similar nature to those found in the 2008/2009 annual returns, but are fewer in number.

Justice and Community Safety Committee inquiry into campaign finance reform

The Legislative Assembly Standing Committee on Justice and Community Safety commenced an inquiry into Campaign Finance Reform in 2009.

The Committee heard evidence from the Attorney General, Mr Simon Corbell MLA, on 8 September 2010 in relation to this inquiry. In 2009/2010 the Commission made a submission in relation to this inquiry and appeared at hearings. As at 30 June 2011, this inquiry was continuing.

The Commission notes that the Committee is expected to present its report on its inquiry into Campaign Finance Reform in 2011/2012. The Commission anticipates that this inquiry may lead to significant activity for the Commission in 2011/2012.

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.

In meeting this requirement, the Commission commenced the redistribution process in January 2011 by appointing a Redistribution Committee.

On 10 February 2011 the Redistribution Committee published a call for public suggestions, and for comments on those suggestions, on what the electorate boundaries should be for the 2012 ACT Legislative Assembly election.

One key requirement for an ACT redistribution is ensuring as far as practicable that electoral enrolments in the 3 electorates be within +/- 5% of the quota at the time of the next election. This requirement is aimed at ensuring 'one vote, one value' within practical tolerances. The quota for the 5 member electorates is 5/17 of the ACT total enrolment, and the quota for the 7 member electorate is 7/17 of the ACT total.

Statistical information prepared by the Australian Bureau of Statistics provided to the public to assist with making suggestions and comments highlighted that the projected enrolment in the electorates of Ginninderra and Molonglo at the time of the 2012 election would be outside the allowable tolerance for the numbers of electors in each electorate at that time.

Under current boundaries, the electorate of Molonglo was expected to be around 6.5% over the quota in 2012, and Ginninderra was projected to be 5.6% under the quota. Consequently the size of Molonglo needed to be reduced and Ginninderra needed to be increased to bring them within +/- 5% of the quota at the time of the 2012 election. The electorate of Brindabella was projected to be 3.49% under the quota in 2012.

Six public suggestions were received from organisations and members of the public by the closing date of 10 March 2011. No comments on these suggestions were received.

The Redistribution Committee (comprising the Electoral Commissioner, the ACT Surveyor-General, the ACT Land and Planning Authority, and the Regional Director of the ACT Office of the Australian Bureau of Statistics) published a proposed redistribution on 5 May 2011 proposing to transfer the Gungahlin suburbs of Crace and Palmerston from Molonglo to Ginninderra. The Redistribution Committee also proposed transferring the as-yet undeveloped portion of the new district of Molonglo Valley from Ginninderra to Molonglo.

The proposal of the Redistribution Committee attracted 23 objections, including 19 against the proposal to transfer the Gungahlin suburbs of Crace and Palmerston from Ginninderra to Molonglo. Several objections favoured instead making Ginninderra a 7 member electorate based on Belconnen and Gungahlin. The Augmented Electoral Commission (comprising the members of the Redistribution Committee and the Commission Chairperson and the other member of the Commission) convened a public hearing on 24 June to canvass the issues raised in objections.

Following the public hearing, the Augmented Electoral Commission met to consider the submissions made in writing and at the public hearing. At 30 June 2011, the Augmented Electoral Commission had not published its proposed redistribution. It is expected that the redistribution process will conclude in the second half of 2011. The conclusion of the redistribution process will be reported on in the 2011/2012 annual report.

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

Performance indicator summary

| Objectives | Measures | Outcomes |
|--|---|--|
| Manage costs within budget allocations | Budget met | Expenditure was within budget allocations. |
| 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. The Victorian State Election was an opportunity in 2010/2011 for one staff member to further develop skills in the area of electronic roll mark-off systems.

During 2010/2011, Elections ACT staff had several opportunities to undertake a range of learning and development activities (see **Learning and development** on page 68).

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 the second half of 2010/2011, Elections ACT staff held several planning sessions focusing on preparation for the 2012 Legislative Assembly election.

All Elections ACT staff had a performance management plan for 2010/2011. 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 **Human resources performance** on page 65, **Staffing profile** on page 66 and **Learning and development** on page 68.

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.

The total operating result under Electoral Services for 2010/2011 was around \$33,000 less than originally estimated for the year. Net total revenue received was around \$6,000 more than originally estimated, consisting of a decrease in Government payment for outputs and an increase in other revenue from fees for services. Overall, variable expenditure (that part of the Electoral Services budget over which the Commissioner has direct control) was under the budget allocation by approximately \$26,000. Fixed expenses equalled budget allocation.

Analysis of the Commission's budget performance in 2010/2011 is included above under **Management discussion and analysis** on page 13.

The ACT Government Shared Services Unit has responsibility for processing all the Commission's finances on the Commission's behalf.

See **Financial report** on page 14 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 central server maintained by Shared Services ICT, the ACT Government information technology management agency. Shared Services ICT is responsible for backing-up Elections ACT's data. Elections ACT also regularly backs up its database files on removable media.

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 16 – 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 maintains a wide range of databases and other ICT applications.

One of the most significant activities undertaken in 2010/2011 in preparation for the 2012 election was continuing the 4-year re-development of the Elections ACT ICT election systems, for which funding commenced in the 2009/2010 Budget. Work undertaken during the year on these systems included:

- ◇ Progressing the upgrade of eVACs®, the electronic voting and counting system;
- ◇ Sourcing hardware to be used at the 2012 election for the electronic voting and counting system;
- ◇ Finalising negotiations with the supplier of the ballot paper scanning system for re-use of the system deployed at the 2008 election;
- ◇ Progressing the integrated polling place management system that will include a new electronic roll mark-off system, ballot paper reconciliation tool, and vote count transmission facility;
- ◇ Progressing the upgrade of the election results system, including the tally room display; and
- ◇ Investigating options for the upgrade of the Elections ACT in-house suite of election management databases.

Another significant ICT project in 2010/2011 included the development of the netVote system, a system designed to create an online voting system for use by Elections ACT when running fee-for-service elections for ACT organisations. The first phase of development centred on creating a system capable of hosting simple "yes/no" ballots such as enterprise agreement ballots. If funding permits, a second phase development could see the system extended to cater for online ballots for candidates. It is envisaged that netVote will be used for the first time while running the ACT government Enterprise Agreement ballots due in 2011/2012.

Elections ACT appointed two of its permanent staff members as project managers for the ICT redevelopment projects. The Elections ACT project managers worked closely with Shared Services ICT staff on these projects.

Procurement advice was sought from ACT Government Procurement Solutions and from the ACT Government Solicitors Office. Several service providers have been contracted to provide elements of the ICT business systems. See **External sources of labour and services** on page 70.

A steering committee was established to oversee the Elections ACT ICT projects, consisting of the Electoral Commissioner, the Deputy Electoral Commissioner and senior representatives from Shared Services ICT.

Elections ACT has also established an 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 acting Commissioner convened the group on 24 September 2010 to provide a briefing on progress, and to seek feedback from the group, on the redevelopment of its ICT systems.

ICT resources

Shared Services ICT, the ACT Government information technology management agency, continued to provide ICT resources to Elections ACT in 2010/2011.

Internet

Elections ACT continued to maintain and update the Elections ACT website during 2010/2011. The Elections ACT website address is www.elections.act.gov.au.

This website underwent a major upgrade in 2010/2011, updating the look and feel as well as introducing the use of a Content Management System.

All ordinary updating and maintenance of the website is undertaken in-house.

For more detail on the Elections ACT website see **Information service** on page 26.

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 table format included below. Table 17 sets out performance in 2010/2011 and 2009/2010 for comparison. The table gives the percentage change in the 2010/2011 result relative to the 2009/2010 result.

Data in this table related to energy and water use has been provided by the ACT Property Group and was calculated by taking total usage measured for all North Building tenants and dividing those totals by 1.94% to estimate the usage of Elections ACT. The Commission considers that those elements of this table calculated in this way do not provide meaningful data on the actual usage experienced by Elections ACT.

Table 17 – Triple bottom line report

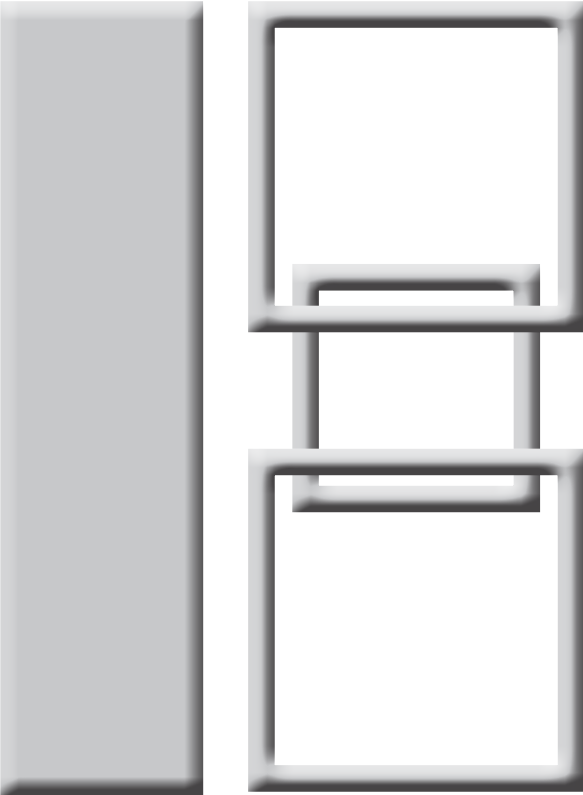
| | INDICATOR | 2009/2010 Result | 2010/2011 Result | % Change |
|--|---|---|------------------|----------|
| Economic | Employee expenses | | | |
| | ▪ Number of staff employed (head count) | 7 | 8 | 14.0% |
| | ▪ Total employee expenditure (\$,000) | \$615 ¹ | \$687 | 11.7% |
| | Operating Statement | | | |
| | ▪ Total expenditure (\$,000) | \$1,085 | \$1,230 | 13.4% |
| | ▪ Total own source revenue (\$,000) | \$21 | \$50 | 138.0% |
| | ▪ Total net cost of services (\$,000) | \$1,064 | 1,180 | 10.9% |
| | Economic Viability | Elections ACT's assets and accomodation details are included in the JACS asset management strategy and are reported on in the JACS Annual Report. | | |
| | ▪ Total assets (\$,000) | | | |
| | ▪ Total liabilities (\$,000) | | | |
| Environmental | Transport | | | |
| | ▪ Total number of fleet vehicles | 0 | 0 | 0% |
| | ▪ Total transport fuel used (kilolitres) | 0 | 0 | 0% |
| | ▪ Total direct greenhouse emissions of the fleet (tonnes of CO2e) | 0 | 0 | 0% |
| | Energy Use | | | |
| | ▪ Total office energy use (megajoules) | 163,260.00 | 203,390.00 | 24.6% |
| | ▪ Office energy use per FTE (megajoules/FTE) | 24,849.30 | 27,485.10 | 10.6% |
| | ▪ Office energy use per m2 (megajoules/m ²) | 1,020.40 | 1,271.20 | 24.6% |
| | Greenhouse Emissions | | | |
| | ▪ Total office greenhouse emissions - direct and indirect (tonnes of CO2e) | 24.22 | 32.50 | 34.2% |
| | ▪ Total office greenhouse emissions per FTE (tonnes of CO2e/FTE) | 3.69 | 4.39 | 19.0% |
| | ▪ Total office greenhouse emissions per m2 (tonnes of CO2e/m ²) | 0.15 | 0.20 | 33.3% |
| | Water Consumption | | | |
| ▪ Total water use (kilolitres) | 131.63 | 65.86 | -50.0% | |
| ▪ Office water use per FTE (kilolitres/FTE) | 20.03 | 8.90 | -55.6% | |
| ▪ Office water use per m2 (kilolitres/m ²) | 0.82 | 0.41 | -50.0% | |
| Resource Efficiency and Waste | | | | |
| ▪ Estimate of co-mingled office waste per FTE (litres) | N/A | N/A | N/A | |
| ▪ Estimate of paper recycled (tonnes) | 1.002 | 0.948 | 5.4% | |
| ▪ Estimate of paper used (by reams) per FTE (litres) | 12.18 | 13.51 | 10.9% | |
| Social | The Diversity of Our Workforce | | | |
| | ▪ Women (as a percentage of the total workforce) | 57.1% | 50.0% | -12.4% |
| | ▪ People with a disability (as a percentage of the total workforce) | 0% | 0% | 0% |
| | ▪ Aboriginal and Torres Strait Islander people (as a percentage of the total workforce) | 0% | 0% | 0% |
| | ▪ Staff with English as a second language (as a percentage of the total workforce) | 14.3% | 25.0% | 74.8% |
| | Staff Health and Wellbeing | | | |
| | ▪ WHS Incident Reports | 0 | 0 | 0% |
| | ▪ Accepted claims for compensation (as at 31 August 2011) | 0 | 0 | 0% |
| ▪ Staff receiving influenza vaccinations | 2 | 1 | -50.0% | |
| ▪ Workstation assessments requested | 0 | 1 | ∞% | |

Note 1: Total employee expenditure was incorrectly reported in the 2009/2010 Annual Report as \$543,000. The figure has been corrected to accurately reflect this expenditure in 2009/2010.

Part B

Consultation and scrutiny reporting

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Community engagement

This section outlines major or significant community consultations undertaken during the year.

In ACT Legislative Assembly election years, Elections ACT undertakes extensive engagement with the community through its information campaign and its direct provision of services to electors during the voting 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. A redistribution of electorate boundaries commenced in January 2011. A description of the process undertaken in 2010/2011 is discussed under **Redistribution of electoral boundaries** on page 45.

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 41.

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 acting Commissioner convened the group on 24 September 2010 to provide a briefing on progress, and to seek feedback from the group, on the redevelopment of its ICT systems.

Internal and external scrutiny

The Commission was not subject to significant internal or external scrutiny in 2010/2011.

Legislative Assembly Committee inquiries & reports

The Commission was involved with several ACT Legislative Assembly Committee inquiries in 2010/2011.

On 7 April 2011 the Assembly referred the Commission's *Report on the ACT Legislative Assembly Election 2008*, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011 to the Standing Committee on Justice and Community Safety for inquiry and report to the Assembly by 22 September 2011. The Commission made a submission to this inquiry on 30 June 2011. For further information on this inquiry see **Advice** on page 28.

The Standing Committee on Justice and Community Safety heard evidence from the Attorney General, Mr Simon Corbell MLA, on 8 September 2010 in relation to its inquiry into Campaign Finance Reform. During the previous reporting year the Commission made a submission in relation to this inquiry and appeared at hearings. As at 30 June 2011, this inquiry was continuing.

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

- ◇ The Select Committee on Estimates 2011/2012; and
- ◇ The Standing Committee on Justice and Community Safety in relation to the Commission's 2009/2010 annual report.

The Select Committee on Estimates 2011/2012 presented its report titled *Appropriation Bill 2011-2012* on 21 June 2011. The report noted some matters discussed with the Electoral Commissioner during the Committee's hearings, including the impact of the efficiency dividend on the Commission and a complaint that had been lodged with the Commissioner regarding a political party fund-raising dinner. The report made no recommendations with respect to the Commission.

The Standing Committee on Justice and Community Safety presented its report number 6 titled *Report on Annual and Financial Reports 2009-2010* on 30 June 2011. The report made no comments or recommendations with respect to the Commission's reporting.

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

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 accepted this recommendation, and commenced providing more detailed information in its 2009/2010 annual report. Further information is provided in this annual report under **Funding and disclosure scheme** from page 42 with respect to the 2009/2010 annual returns which were lodged with the Commission during 2010/2011.

Table 18 shows details of completed inquiries by Legislative Assembly Committees in 2010/2011 that relate to the operations of the Commission. These inquiries did not make any recommendations that directly related to the Commission.

Table 18 – Legislative Assembly Committee inquiries and reports

| Committee report | Title | Date Presented |
|---|------------------------------|----------------|
| Select Committee on Estimates 2011/2012 | Appropriation Bill 2011-2012 | 21 June 2011 |
| | | |

| Recommendation | Government Response | Agency Implementation |
|----------------|---------------------|-----------------------|
| n/a | n/a | n/a |
| | | |

| Committee report | Title | Date Presented |
|--|--|----------------|
| Standing Committee on Justice and Community Safety Report No. 6. | Report on Annual and Financial Reports 2009-2010 | 30 June 2011 |
| | | |

| Recommendation | Government Response | Agency Implementation |
|----------------|---------------------|-----------------------|
| n/a | n/a | n/a |
| | | |

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; and*
- ◇ *Aboriginal and Torres Strait Islander Elected Body Act 2008.*

This list does not include reference to the *Health Professionals Regulation 2004*. As discussed at **Statutory and fee-for-service elections** on page 20, up until 2009 the Electoral Commissioner was responsible for conducting elections for health professionals boards in the ACT under the *Health Professionals Regulation 2004*. On 1 July 2010 national health professionals boards were introduced that replaced the existing state and territory health professionals boards. As a result, the Electoral Commissioner will no longer be required to conduct elections for ACT health professionals boards.

The Commission's role in providing advice on amendments to the electoral legislation is discussed above at **Electoral Legislation** on page 30.

Part C

Legislative and policy based reporting

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Risk management and internal audit

Risk management

The Commission adopted a new risk assessment and mitigation plan in 2010/2011. This plan includes risk assessment and mitigation strategies for the following classes of risks:

- ◇ Stakeholder relations;
- ◇ Core business and service delivery;
- ◇ Governance activities and control;
- ◇ Property, assets and security;
- ◇ Occupational health and safety environment;
- ◇ Capability and capacity;
- ◇ Systems development, technology and support; and
- ◇ Fraud.

Elections ACT also updated the Elections ACT Business Continuity Plan in 2010/2011.

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.

Internal audit

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 2010/2011:

- ◇ 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; and
- ◇ Secure storage of ballot material for all elections.

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 2010/2011.

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 2010/2011 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 to enable 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* 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 and Elections ACT.

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.

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 26 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** 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 2010/2011, nor were any FOI matters outstanding at 1 July 2010.

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
Civic Square, London Circuit
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 statutory 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 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 ACT Executive has made an instrument under section 22 of the Electoral Act appointing the Deputy Electoral Commissioner to act as the Electoral Commissioner during any period when the Electoral Commissioner is absent on approved leave of absence (other than personal leave) for longer than 5 working days.

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 **Elections ACT 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 Director General of the Justice and Community Safety Directorate, who retains legislative responsibility for and maintains an oversight role of the Commission's budget. The Commissioner is a member of the Directorate's consultative management committee, JACSCOM, and the JACS Statutory Officer Holders Forum.

Human resource 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 2010/2011. Using capital funding for the upgrade of the elections ICT systems, two permanent staff members acted as project managers for the ICT projects for part of the year. Due to budget constraints, Elections ACT opted to not backfill one of these positions. The other position was backfilled by another permanent officer. However, this officer's position was not backfilled. One permanent officer is on extended leave. This position has been filled by temporary transfer of a permanent officer from another ACT agency.

An additional staff member was appointed for part of the financial year on a short-term contract to carry out work on the upgrade of the elections database systems.

Casual staff are employed by the Commissioner as required to assist with fee-for-service elections and 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 2010/2011, including the Electoral Commissioner. As required by the annual report directions, the figures presented are as at pay 26, 23 June 2011. The tables do not include the 2 part-time Commission Members or the various casual staff employed during the year to assist with the conduct of other elections.

Table 19 – Full time employees & headcount

| | Female | Male |
|-----------------------------------|--------|------|
| FTE by gender | 3.6 | 3.8 |
| Headcount by gender | 4 | 4 |
| % of workforce (headcount) | 50% | 50% |

Table 20 – Classification group by gender

| Classification group | Female | Male | Total |
|--------------------------|----------|----------|----------|
| Administrative officers | 3 | 1 | 4 |
| Senior officers | 1 | 2 | 3 |
| Statutory office holders | | 1 | 1 |
| TOTAL | 4 | 4 | 8 |

Table 21 – Employment category by gender

| Employment category | Female | Male | Total |
|---------------------|----------|----------|----------|
| Casual | | | 0 |
| Permanent full-time | 3 | 1 | 4 |
| Permanent part-time | 1 | 1 | 2 |
| Temporary full-time | | 2 | 2 |
| Temporary part-time | | | 0 |
| TOTAL | 4 | 4 | 8 |

Table 22 – Total average length of service by gender

| Gender | Average length of service |
|--------------|---------------------------|
| Female | 9.24 years |
| Male | 8.47 years |
| Total | 8.8 years |

Table 23 – Age profile

| Age group | Female | Male | Total ¹ |
|-----------|--------|------|--------------------|
| n/a | n/a | n/a | n/a |

Note 1: This table does not show age details for individuals to protect their privacy, given the small number of staff employed by Elections ACT.

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

| Average length of service ² | Pre-Baby Boomers | | Baby Boomers | | Generation X | | Generation Y | | Total | |
|--|------------------|---|--------------|---|--------------|---|--------------|---|-------|---|
| | F | M | F | M | F | M | F | M | F | M |
| 0-2 | | | | | | | | | | 1 |
| 2-4 | | | | | | | | | 1 | 1 |
| 4-6 | | | | | | | | | 1 | |
| 6-8 | | | | | | | | | | |
| 8-10 | | | | | | | | | 1 | |
| 10-12 | | | | | | | | | | 1 |
| 12-14 | | | | | | | | | | |
| 14+ years | | | | | | | | | 1 | 1 |

Note 2: This table does not show age details for individuals to protect their privacy, given the small number of staff employed by Elections ACT.

| Generation | Year span |
|------------------|-----------------------------|
| Pre-Baby Boomers | Born prior to 1946 |
| Baby Boomers | Born 1946 to 1964 inclusive |
| Generation X | Born 1965 to 1979 inclusive |
| Generation Y | Born from 1980 and onwards |

Table 25 – Agency profile

| Agency | FTE | Headcount |
|--------------------------|------------|-----------|
| ACT Electoral Commission | 7.4 | 8 |
| Total | 7.4 | 8 |

Table 26 – Agency profile by employment type

| Agency | Permanent | Temporary | Casual |
|--------------------------|-----------|-----------|----------|
| ACT Electoral Commission | 6 | 2 | 0 |
| Total | 6 | 2 | 0 |

Table 27 – 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 | 2 | 0 | 2 | 4 |
| % of total staff | 0% | 25% | 0% | 25% | 50% |

Learning and development

During 2010/2011, 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 has established the Young Professionals’ Network (YPN) for young people working in the ACT Public Service. The 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 2010/2011.

Learning and development opportunities undertaken in 2010/2011 are shown in Table 28.

Table 28 – Elections ACT learning and development activities

| Initiative | Details (No. of participants who attended each program) |
|---|--|
| ACTPS graduate program | |
| Young professionals’ network | 1 |
| Future leaders program | |
| Executive development program | |
| PSM program | |
| Sponsored training for first-time and front-line managers | 1 |
| Bullying prevention and management training | 1 |
| Indigenous cultural awareness | 6 |
| Understanding legislation | 1 |
| Respect equity & diversity training | 2 |
| First aid refresher | 1 |
| | |

Workplace health and safety

In all of its activities Elections ACT gives careful consideration to workplace health and safety (WHS) principles and practices. Elections ACT has adopted the Whole of Government WHS policy and has access to JACS WHS personnel.

Elections ACT has two fire wardens, one designated first aid officer and a representative on the WHS committee for the designated JACS work group.

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

A number of WHS initiatives were undertaken during the 2010/2011 period including:

- ◇ Training in the Respect, Equity and Diversity (RED) Framework for management and appointment of a contact officer for Elections ACT ;
- ◇ A workplace safety inspection which identified a very small number of hazards, which were quickly and easily remedied at no cost to the organisation;
- ◇ Installation of frosted vinyl film to upper windows of the conference room to cut down on eyestrain caused by glare;
- ◇ Replacement of all chairs in staff meeting area due to their age and condition; and
- ◇ Workplace assessments for staff members as requested.

There were no workers compensation claims or any other notifiable issues arising under the *Work Safety Act 2008* during the reporting period.

Workplace relations

Enterprise agreements

The *Department of Justice and Community Safety Enterprise Agreement 2010-2011* was lodged with the Workplace Authority on 23 September 2010 and became operational on 24 January 2011. 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 Shared Services ICT ATLAS system, which is updated to reflect any equipment changes.

Capital works

The Commission did not undertake any capital works projects in 2010/2011.

Government contracting

Procurement principles and processes

The processes used to select and manage all contractors during 2010/2011 complied with the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007*.

External sources of labour and services

In 2010/2011, the Commission engaged the contractors listed in Table 29 to provide services that exceeded \$20,000. These services are related to the upgrade of the Commission's ICT electoral systems. The procurement process for these have been reviewed by ACT Procurement Solutions where required.

Table 29 – External sources of labour and services 2010/2011

| Name of Contractor | Description of Contract | Date Contract Let | Cost \$ | Procurement Type |
|-------------------------------|--|-------------------|--------------|------------------------|
| Software Improvements Pty Ltd | Development of an online voting system | 9/07/2010 | \$125,048.00 | Single select |
| Software Improvements Pty Ltd | Upgrade of the Commission's electronic voting and counting system (EVACS) software | 16/11/2010 | \$69,850.00 | Single select |
| Couch Creative Pty Ltd | Website redesign and conversion to content management system | 19/11/2010 | \$23,501.50 | Single select |
| F1 Solutions | Electronic Legislative Assembly polling place system | 16/2/2011 | \$272,140.00 | SSICT ICT Panel member |
| | | | | |

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 49.

Human Rights Act 2004

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

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.

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. Two staff have undertaken training provided by the Human Rights Commission.

All staff have access to Human Rights Commission brochures and relevant JACS Directorate publications.

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. The Elections ACT website allows for large format and text descriptions and key election publications can be made available on request in alternative formats including large print and audio. An improved accessibility block has been developed and is being used in Elections ACT publications.

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.

All staff at all polling places are trained in providing appropriate service to people with 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 and include a polling booth that can be used by a person in a wheelchair. All pre-poll voting locations are accessible by wheelchair.

Information on enrolment and voting is included in the Canberra Blind Society's audio newsletter at election time and broadcast by 1RPH, the community radio station for print handicapped people.

Elections ACT's electronic voting system is designed to allow people who are blind or have vision impairment 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 equipped with headphones that broadcast spoken instructions. Using this system, people with vision impairment are able to vote in secret using a keypad.

Commissioner for the Environment

The Commission did not contribute to the *State of the Environment Report* in 2010/2011. The Commission has not been the subject of an investigation or recommendations made by the Commissioner for the Environment.

ACT multicultural strategy

The *ACT Multicultural Strategy 2010-2013* was developed by the ACT Government after significant community consultation including the Multicultural Summit 2008. It is a four-year plan with the following focus areas:

- ◇ Languages;
- ◇ Children and young people;
- ◇ Older people and aged care;
- ◇ Women;
- ◇ Refugees, asylum seekers and humanitarian entrants; and
- ◇ Intercultural harmony and religious acceptance.

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.

Table 30 shows the Commission's progress against the plan.

Table 30 – ACT multicultural strategy progress

| | |
|--|---|
| Languages | <p>Website accessibility allows for large format and text descriptions.</p> <p>Key electoral publications are made available on request in alternative formats including large print and audio. Telephone Interpreter Service information is printed on the Commission's major publications.</p> <p>Printed electoral information is provided at Legislative Assembly election times in eleven languages other than English and disseminated through in the ACT Multicultural e-News Bulletin published by the Office of Multicultural Affairs and some community language radio stations. Instructions for electronic voting in Legislative Assembly elections are available in eleven other languages as well as English.</p> <p>Bilingual educators are employed at election time to provide information to CALD community groups in their first language.</p> |
| Children & young people | N/A |
| Older people & aged care | N/A |
| Women | Elections ACT aims to conduct elections in which women are free to participate as electors and as candidates. |
| Refugees, asylum seekers and humanitarian entrants | Information is sought from the Office of Multicultural Affairs on particular areas of need in CALD communities when identifying the languages to be used for translation of electoral information and employment of bilingual educators at election time. |
| Intercultural harmony and religious acceptance | All permanent staff and those casual staff employed for the Aboriginal and Torres Strait Islander Elected Body Election attended Indigenous Cross Cultural training. |

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 second election was conducted by Elections ACT in April-May 2011, in consultation with the Office of Aboriginal and Torres Strait Islander Affairs. More detailed information regarding the election is provided under **Key Result Area 1.2 – Election and referendum services to other agencies** at page 20.

All permanent Elections ACT staff and those casual staff employed for the Aboriginal and Torres Strait Islander Elected Body Election attended Indigenous Cross Cultural training in 2010/2011.

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 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 2010/2011 there were no processes in place at the North Building to recycle comingled or organic material. Elections ACT has been in discussion with other North Building tenants aimed at introducing the ability to recycle these materials. Elections ACT intends to attain ACT Smart office accreditation in 2011/2012 to facilitate this recycling program.

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. Table 31 outlines data extracted with respect to the Commission's occupancy in the North Building. The 2009/2010 and the 2010/2011 data represent occupancy for the full financial year. The Commission notes that some of this data is calculated by taking usage data calculated for the whole of North Building and dividing the results by 1.94% to estimate Elections ACT's share of North Building's usage. The Commission considers that those elements of this table calculated in this way do not provide meaningful data on the actual usage experienced by Elections ACT.

Table 31 – Ecologically sustainable development data

| | Indicator as at 30 June | Unit | 2009/2010 | 2010/2011 |
|-------------|---|--------------------|---------------------|---------------------|
| Line | General | | Office/Total | Office/Total |
| L1 | Occupancy – staff full-time equivalent | Number (FTE) | 6.57 | 7.4 |
| L2 | Area office space – net lettable area ¹ | Square metres (m2) | 160 | 160 |
| | Stationary Energy | | Office/Total | Office/Total |
| L3 | Electricity use ² | Kilowatt hours | 28,479.63 | 28,515.07 |
| L4 | Renewable energy use (GreenPower + EDL land fill gases) ² | Kilowatt hours | 8,981.73 | 8,868.67 |
| L5 | Percentage of renewable energy used (L4/L3 x 100) | Percentage | 31.54 | 31.10 |
| L6 | Natural Gas use ² | Megajoules | 60,729.86 | 100,736.16 |
| L7 | Total energy use ⁷ | Mega joules | 163,260.00 | 203,390.00 |
| L8 | Energy intensity per FTE (L7/L1) | Megajoules/FTE | 24,849.3 | 27,485.1 |
| L9 | Energy intensity per square metre (L7/L2) | Megajoules/m2 | 1,020.4 | 1,271.2 |
| | Transport | | Office/Total | Office/Total |
| L10 | Total number of vehicles ³ | Numeric | 0 | 0 |
| L11 | Total vehicle kilometers travelled | Kilometres (km) | 0 | 0 |
| L12 | Transport fuel (Petrol) | Kilolitres | 0 | 0 |
| L13 | Transport fuel (Diesel) | Kilolitres | 0 | 0 |
| L14 | Transport fuel (LPG) | Kilolitres | 0 | 0 |
| L15 | Transport fuel (CNG) | Kilolitres | 0 | 0 |
| L16 | Total transport energy use ⁷ | Gigajoules | 0 | 0 |
| | Water | | Office/Total | Office/Total |
| L17 | Water use ² | Kilolitres | 131.63 | 65.86 |
| | Intensities | | | |
| L18 | Water use per FTE (L17/L1) | Kilolitres/FTE | 20.03 | 8.90 |
| L19 | Water use per square metre (L17/L2) | Kilolitres/m2 | 0.82 | 0.41 |
| | Resource Efficiency and Waste | | Office/Total | Office/Total |
| L20 | Reams of paper purchased | Reams | 80 | 100 |
| L21 | Recycled content of paper purchased | Percentage | 50% | 50% |
| L22 | Estimate of general waste (based on bins collected) ⁴ | Litres | 1,452.67 | 1,452.67 |
| L23 | Estimate of commingled material recycled (based on bins collected) ⁵ | Litres | N/A | N/A |
| L24 | Estimate of paper recycled (based on bins collected) ⁶ | Litres | 1.002 | 0.948 |
| L25 | Estimate of organic material recycled (base on bins collected) ⁵ | Litres | N/A | N/A |

| | Greenhouse Gas Emissions | | Office/Total | Office/Total |
|-----|--|------------------|---------------------|---------------------|
| L26 | Total stationary energy greenhouse gas emissions (All scopes) ⁷ | Tonnes CO2-e | 24.22 | 32.5 |
| L27 | Total transport greenhouse gas emissions (All scopes) ³ | Tonnes CO2-e | N/A | N/A |
| | Intensities | | | |
| L28 | Greenhouse gas emissions per person (L26/L1) ³ | Tonnes CO2-e FTE | 3.69 | 4.39 |
| L29 | Greenhouse gas emissions per square metre (L26/L2) ³ | Tonnes CO2-e | 0.15 | 0.20 |
| L30 | Transport greenhouse gas emissions per person (L27/L1) | Tonnes CO2-e FTE | N/A | N/A |

Note 1: According to the ACT Property Group, the Commission's occupancy is 1.94% of the total North Building office space.

Note 2: 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.

Note 3: The Commission does not have an executive or fleet vehicle.

Note 4: The estimate of general waste is calculated as a percentage (1.94%) of the total North Building usage. This is based on 1 x 720 litre bin emptied twice a week. 720 L x 2=1,440 litres per week. 1,440 x 52 weeks = 74,880 litres pa. 1.94% of 74,880 litres = 1,452.67 litres pa.

Note 5: This was incorrectly reported for 2009/2010 as 335.23 litres pa due to an error in calculation.

Note 6: There are currently no processes in place at the North Building to recycle comingled or organic material. This will be addressed as part of Elections ACT's commitment to gaining ACT Smart office accreditation in 2011/2012.

Note 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.

Note 8: Calculated using the Australian Government Department of Climate Change 'Online System for Comprehensive Activity Reporting' (OSCAR) for tracking energy and greenhouse data. 2009/2010 ESD result reported incorrectly due to an error in the AR directions. Elections ACT updated the 2009/2010 figure using the OSCAR by combining electricity, natural gas and renewable energy.

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 2011, there were 247,661 electors on the electoral roll aged 18 and over; 127,736 were women (estimated to be 96.2% of the eligible population) and 119,925 were men (estimated to be 92.9% 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.

ACT strategic plan for positive aging 2010-2014

The *ACT Strategic Plan for Positive Ageing* has been developed in partnership with the ACT Ministerial Advisory Council on Ageing with a focus on the following key principles:

- ◇ Social inclusion, participation and self-fulfilment;
- ◇ Respect and valuing;
- ◇ Support, independence and dignity;
- ◇ Partnerships; and
- ◇ Consultation.

It is a five year plan for 2010-2014, and includes an Implementation Plan that identifies actions for the initial reporting period to June 2011 and is intended to set the foundation for the next steps across government and with businesses and community partners.

Table 32 shows the Commission's progress against the plan.

Table 32 – ACT strategic plan for positive aging progress

| Focus area | Progress |
|-------------------------------|--|
| Information and communication | Information on electoral matters is provided to community groups, including the University of the Third Age, as requested. |
| Health and wellbeing | N/A |
| Respect, valuing and safety | N/A |
| Housing and accommodation | N/A |
| Support services | Applications for postal votes can be made on-line or by phone. Registration as a general postal voter (postal votes are automatically sent to the voter without the need to apply) is available. Mobile polling teams visit aged care facilities and hospitals to take the votes of residents and patients. |
| Transport and mobility | N/A |
| Work and retirement | There is the opportunity for retired persons to be employed as casual and temporary staff. Many of the casual and temporary staff employed are in fact retired from the full-time workforce. |
| | |

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