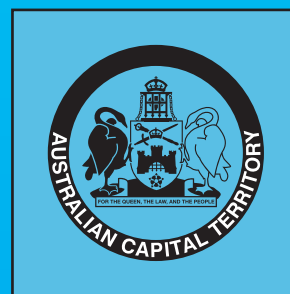
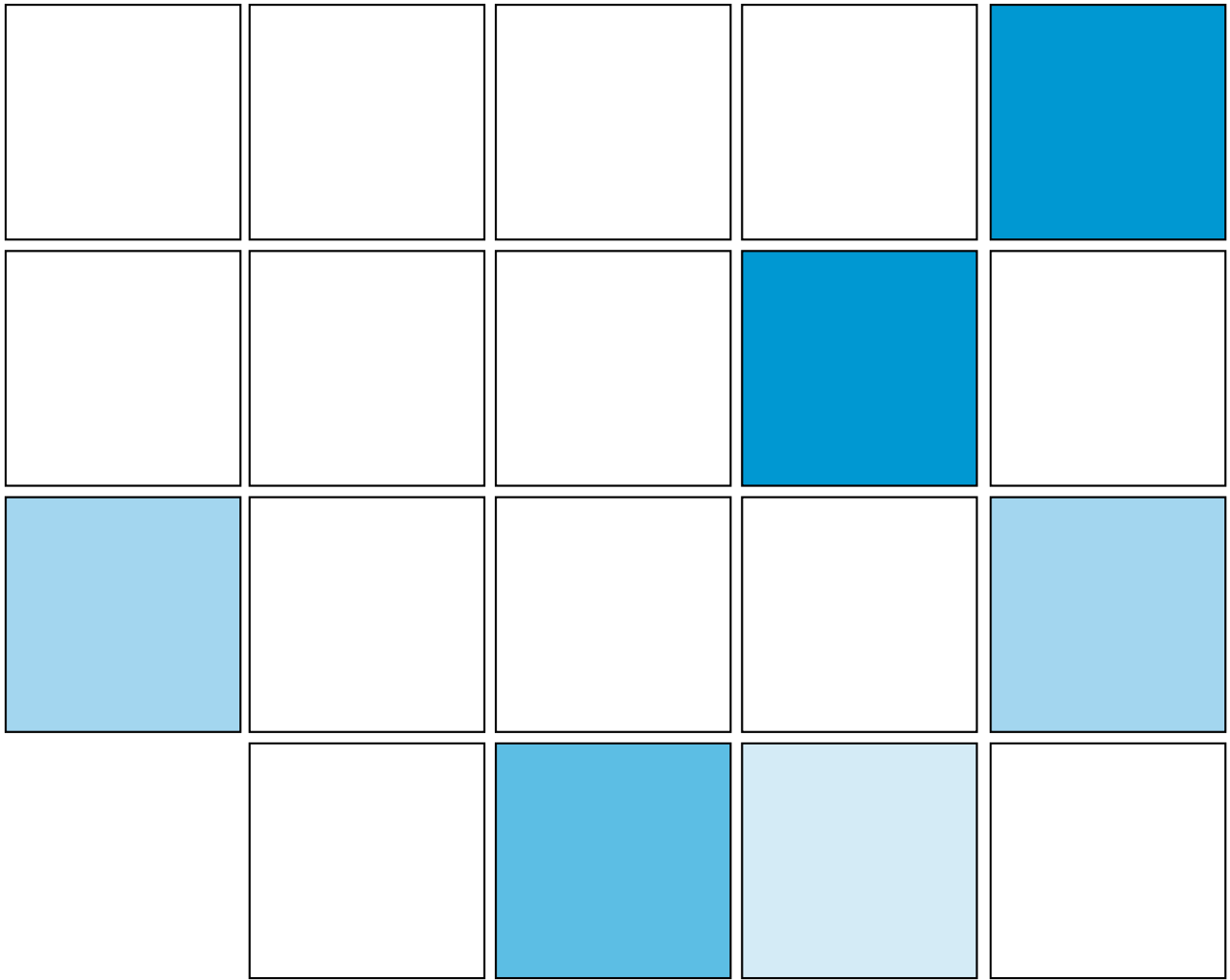




ACT Electoral Commission

ANNUAL Report 2008/2009





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Mr Simon Corbell MLA
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ACT Legislative Assembly
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CANBERRA ACT 2601

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 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 2008 to 30 June 2009 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* requires that you cause a copy of the Report to be laid before the Legislative Assembly within 3 months of the end of the financial year.



Roger Beale AO
Chairperson

Phillip Green
Electoral Commissioner

Christabel Young
Member

16 September 2009

16 September 2009

16 September 2009

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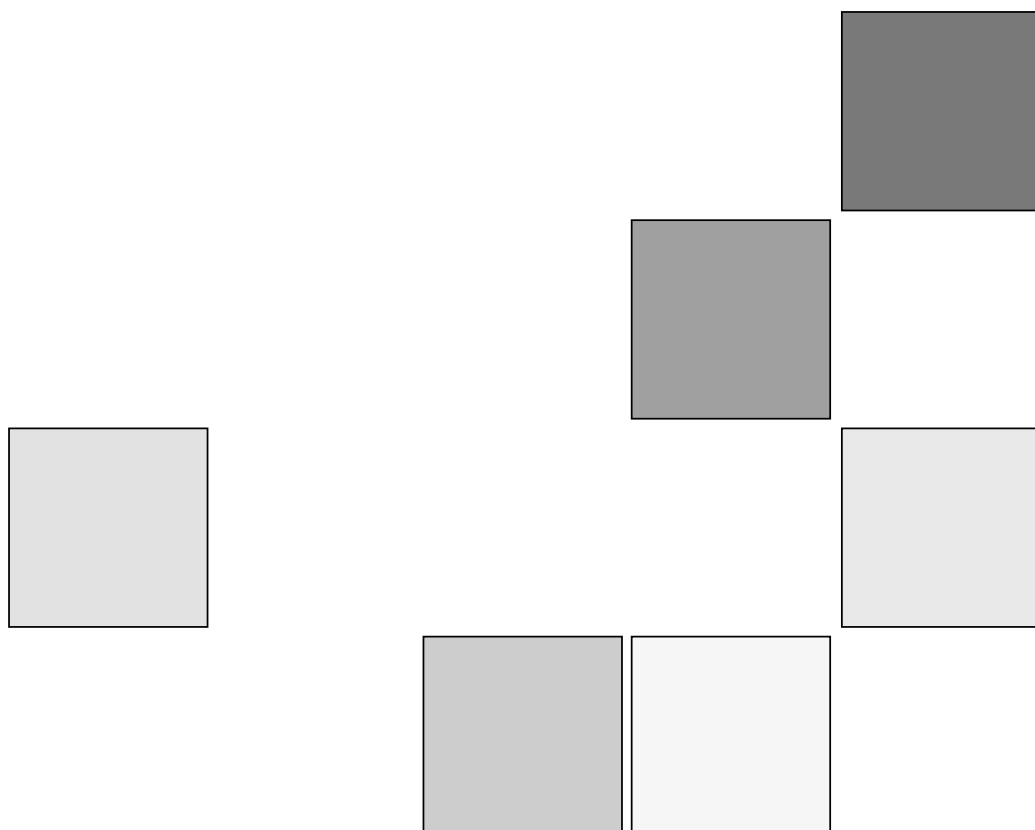
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Glossary

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



The organisation

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

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

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

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

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

The Attorney General is the Minister responsible for electoral matters and the Commission is included in the Department of Justice and Community Safety (JACS) portfolio for administrative purposes. In the departmental structure for 2008/2009, the Commission was included in Output Class 1.6 – Electoral Services.

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

Legislative framework

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

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

Organisational structure

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

Table 1 - Members of the ACT Electoral Commission

Mr Roger Beale AO <i>Chairperson</i> Appointed until 28 February 2012
Mr Phillip Green <i>Electoral Commissioner</i> Reappointed until 31 March 2010
Dr Christabel Young FASSA <i>Member</i> Reappointed until 28 February 2012

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

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

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

The Commissioner was assisted throughout 2008/2009 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. Over 800 casual and contract staff were employed under these Acts during the reporting year to undertake tasks associated with the 2008 Legislative Assembly election.

For more information on the Elections ACT staff positions see **Staffing Profile** on page 67.

Election ACT's mission

Election ACT's mission is:

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

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

Elections ACT's most important function is to conduct elections for the Legislative Assembly. During the reporting year, Elections ACT successfully conducted the general election for the Legislative Assembly on 18 October 2008. The next election is due to be held on 20 October 2012.

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

Elections ACT Corporate Plan 2006-2009

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 2006-2009* is underpinned by more detailed operational plans. A new Corporate Plan was developed towards the end of the reporting year, covering the period July 2009 to June 2013.

Performance indicators

Formal budget paper performance indicators

Following a rationalisation of performance indicators for the JACS portfolio, the Chief Executive of JACS decided to adopt only 2 performance indicators for electoral services, both of which only relate to Legislative Assembly elections. As 2008/2009 was a Legislative Assembly election year, the Budget Papers included these 2 accountability indicators for Output 1.6 – Electoral Services. The following table sets out the indicators and the performance outcomes for the year.

Table 2 - Performance indicators included in budget papers

Accountability indicator	Measures	Target	Outcome
High level of voter turnout at ACT Legislative Assembly election	Participation rate	> 92%	Turnout was 90.4%
Timely finalisation of election result of ACT Legislative Assembly election	Time that election result announced	< 3 weeks from polling day	The result was announced 7 days after polling day

The announcement of the final election result on the afternoon of the Saturday 7 days after polling day was an outstanding achievement. The final result of the 2004 election was announced 11 days after polling day. The 2008 result was obtained through a combination of an increased take-up of electronic voting, the introduction of intelligent character recognition scanning of handwritten paper ballots and the continued use of electronic counting and distribution of preferences. The absolute shortest time in which an ACT election count could be concluded would be the evening of the Friday, 6 days after polling day. This is the deadline for receipt of postal votes. It will be a big challenge at future elections to improve on the 2008 election result.

The percentage turnout of voters for the 2008 election was less than the performance target and the turnout for the 2004 election (92.8%). However, as voter turnout is currently measured by comparing the number of voters with the number of electors on the electoral roll, it is apparent that the turnout result is dependent to a significant extent on the accuracy and completeness of the electoral roll maintained by the Australian Electoral Commission.

The issue of voter turnout is discussed below in more detail at **Completeness and accuracy of the ACT electoral roll** on page 39.

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 pages 18 to 53.

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. For the 2008 election, market research of a sample of voters indicated that over 94 in 100 voters expressed satisfaction with polling place staff helpfulness, and over 97 in 100 expressed satisfaction with polling place staff efficiency and friendliness
Manage registration of political parties	Statutory requirements met	Statutory requirements met
Redraw electoral boundaries for each election	Statutory requirements met	There were no redistributions commenced or concluded in the reporting period. The next redistribution will commence shortly after October 2010
Goal 3 – Effective management		
Objectives	Measures	Outcomes
Manage costs within budget allocations	Budget met	Expenditure exceeded budget by 9%
Maintain high staff satisfaction	Performance management feedback	High staff satisfaction reported
Manage and improve IT business systems	Absence of IT business systems failures	No IT business systems failures

Elections ACT's timeline targets are:

- ◇ All statutory deadlines will be met.
- ◇ Election results will be finalised:
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is not needed): within 3 weeks from polling day;
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is needed): within 4 weeks from polling day;

- For a count back to fill a casual vacancy in the Legislative Assembly: within 1 week from the date applications to contest the vacancy close; and
- For other elections and referendums where the ACT Electoral Commission is responsible for providing election results: within 1 week from the close of the poll.

Overview

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

The Commission's most important function is to conduct elections for the ACT Legislative Assembly election. An election for the Assembly was held on 18 October 2008.

The conduct of this election was the major focus of the Commission and Elections ACT in 2008/2009. Final preparations for the election occupied the first two months of the reporting year, while the election itself dominated the remainder of 2008. Post-election activities, such as reviewing and reporting on the conduct of the election and enforcing compulsory voting, continued into 2009.

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. Even in an election year, these other activities must go on.

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.

The ongoing challenge for Elections ACT staff is to provide a high level of service with limited resources.

The success of the 2008 election demonstrated that Elections ACT has met the high goals it has set. Its implementation of electronic voting and counting in the ACT at the 2001, 2004 and 2008 elections is seen as an example of world's best practice in this field. Around 1 in 5 voters used electronic voting at the 2008 election. Elections ACT continued this trend with the introduction of further innovations at the 2008 election, including scanning of handwritten ballot papers instead of manual data-entry, and the use of electronic rolls in polling places, to replace manually marked and scanned paper rolls.

These innovations combined in 2008 to deliver high quality election services to the highest number of ACT electors ever, with the final election result delivered in record time – only 7 days from polling day.

A list of key activities undertaken in 2008/2009 is shown at **Highlights** on page 10.

Highlights

The biggest challenge and achievement of the 2008/2009 year was the successful conduct of the 18 October 2008 ACT Legislative Assembly election. Notable aspects of the election included:

- ◇ Taking the highest number of votes in an ACT Legislative Assembly election – 220,019 (compared to 209,749 in 2004) (representing a turnout of 90.4% of enrolled voters, down from 92.8% in 2004);
- ◇ For the first time in the ACT, replacing printed electoral rolls in polling places with electronic rolls, resulting in efficiencies and environmental savings;
- ◇ Successful expansion of electronic voting facilities to 43,525 voters – almost 20% of all voters (compared to 28,169 in 2004);
- ◇ Continued provision of secret voting facilities for blind and sight-impaired people, using electronic voting;
- ◇ High voter satisfaction with electoral services, with over 97% of a sample of voters rating Elections ACT polling staff as friendly and efficient;
- ◇ For the first time in Australia for a parliamentary election, using an intelligent character recognition scanning system for capturing and counting preferences marked on paper ballots;
- ◇ Finalising the election result in record time, with the count concluded 7 days after polling day as a result of combining the scanning of paper ballots with electronic voting and the eVACS® counting system;
- ◇ Adopting for the first time in the ACT an interactive electronic training manual for polling staff;
- ◇ Continued use of an electronic display for the draw for positions on ballot papers;
- ◇ Introduction of simplified processes for applying for a postal vote, including on-line and phone applications, contributing to a record number of postal votes counted – 9,599 (compared to 6,532 in 2004);
- ◇ Extending the number of pre-poll voting centres to 5 (from 4 in 2004), contributing to a record number of voters using pre-poll voting: 44,635 (compared to 30,734 in 2004);
- ◇ Conducting an extensive public information campaign, including radio, television and newspaper advertising, delivering information brochures to all ACT households, providing a call centre with the assistance of Canberra Connect and providing information by email and through the Elections ACT website;
- ◇ Use of an improved display of election results on the internet and in the tally room on and after election night;
- ◇ Extending the right to enrol and vote to all prisoners entitled to enrol for an ACT address, regardless of their length of sentence;
- ◇ Introducing simplified rules for authorisation of electoral material;
- ◇ Implementing new rules for grouping candidates on ballot papers;
- ◇ Enforcing compulsory voting, by sending notices to over 16,600 apparent non-voters and raising over \$68,000 in fines paid;

- ◇ Introducing lowered disclosure thresholds for election returns following the standardisation of thresholds at \$1,000; and
- ◇ Payment of a record amount in public funding to parties and candidates: \$295,453 (compared to \$246,931 in 2004).

In addition to the conduct of the 2008 election, other notable activities undertaken during the year included:

- ◇ Preparation of a detailed report on the conduct of the election (published in September 2009), including recommendations for changes to the Electoral Act and administrative arrangements for future elections;
- ◇ Bidding for and receiving additional budget funding for 2009-2012 for upgrading the Elections ACT information/communication technology systems in the lead-up to the 2012 Assembly election;
- ◇ Making a submission to the Legislative Assembly's Select Committee on Campaign Advertising *Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*;
- ◇ Making a submission to the Legislative Assembly's Standing Committee on Administration and Procedure in response to its *Inquiry into the appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT*;
- ◇ Updating a range of publications and procedures to take account of changes made to the Electoral Act in May 2008;
- ◇ Finalising the processing of additions and changes to the register of political parties, made prior to the close of the register to new applicants on 30 June 2008;
- ◇ Undertaking testing of an intelligent character recognition scanning system to replace manual data entry of ballot papers at the 2008 Legislative Assembly election;
- ◇ Testing of software for use of electronic certified lists at polling places to replace paper-based scanned electoral rolls;
- ◇ Finalising the implementation of an upgrade of Elections ACT's in-house suite of databases in preparation for the 2008 election;
- ◇ Signing a Memorandum of Understanding between the Commissioner and the Department of Justice and Community Safety detailing the legal framework underpinning the statutory independence of the Commission and the Commissioner and setting out agreed statements of intent outlining areas of responsibility between the two agencies;
- ◇ Finalising a Memorandum of Understanding with the Australian Electoral Commission for the processing of declaration votes, supply of barcode readers, and issue of votes at selected AEC offices for the 2008 Legislative Assembly election;
- ◇ Finalising arrangements with the AEC for the conduct of electoral roll stimulation activities in the lead-up to the 2008 Legislative Assembly election;
- ◇ Continuing to work with the AEC and the Electoral Council of Australia (ECA) to improve ongoing electoral roll maintenance procedures;
- ◇ Pursuing Continuous Roll Update (CRU) initiatives, including obtaining data from a comprehensive range of ACT agencies;

- ◇ Participating in the national review of electoral processes being undertaken by the federal government;
- ◇ Continuing the Commission's non-parliamentary election program: conducting 1 certified agreement ballot for an ACT agency, 1 health professionals board election and 7 fee-for-service ballots, completing the count for the Aboriginal and Torres Strait Islander Elected Body election and reporting the results to the Minister for Indigenous Affairs on 4 July 2008, and assisting with the conduct of 10 interstate elections;
- ◇ Providing 2 briefings to international delegations on ACT electoral practices, particularly electronic voting and counting;
- ◇ 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.

Another highlight achieved during the reporting period was a resolution of Elections ACT's ongoing search for a permanent home.

In the lead-up to and during the 2008 election, Elections ACT occupied temporary accommodation in the O'Connell Centre in Griffith to meet Elections ACT's need for additional space during the election. While this accommodation was satisfactory for the election, it did not constitute a satisfactory long-term proposition. The office relocated to permanent accommodation in the North Building on London Circuit, Civic, in February 2009. This accommodation will meet the needs of Elections ACT for all but the period from six months before to three months after an ACT Assembly election, when larger temporary accommodation will again be required.

Outlook

The main focus of the Commission and Elections ACT in 2009/2010 will be on long-term planning for the 2012 Legislative Assembly election. One of the main activities will be the commencement of the re-development of Election ACT's ICT election systems, for which funding was provided in the 2009/2010 Budget. This will be a major project of activity over a four year period with the objective of having more robust, but more flexible, systems in place for the 2012 election.

Elections ACT will also continue its usual electoral education, non-parliamentary election and CRU programs. It is expected that a fresh round of negotiations for certified agreements will commence during the year, which may involve a number of ballots later in the reporting year.

Elections ACT staff will take advantage of the relative quiet of a post-election year to undertake staff development opportunities, including project management training, ICT skills training and personal development.

Other projects to be undertaken will include:

- ◇ Finalising a strategic review of Elections ACT's staffing, structure, budget, staff development program, operational plan and corporate plan for 2009 to 2013;
- ◇ Completing the follow-up of non-voters at the 2008 election by issuing court summonses to electors who failed to provide a valid and sufficient reason for failing to vote;
- ◇ Conducting audits of compliance with the financial disclosure scheme;
- ◇ Finalising redevelopment of the Elections ACT Business Continuity Plan;
- ◇ Providing advice to Government and Members of the Legislative Assembly on electoral matters as required;
- ◇ Reviewing and updating the Commission's information resources, including its printed resources and the Elections ACT website;
- ◇ Conducting a survey of 2008 election candidates to measure satisfaction with the Elections ACT's services, with the aim of improving service to candidates at the 2012 election;
- ◇ Continuing to contribute to the national review of electoral processes being undertaken by the federal government;
- ◇ Continuing to work with the AEC and the ECA to improve electoral roll maintenance procedures;
- ◇ Reviewing the processes and arrangements for the conduct of the 2011 election of representatives to the Aboriginal and Torres Strait Islander Elected Body;
- ◇ Continuing the schools based electoral education program; and
- ◇ Continuing the Commission's non-parliamentary election program.

A challenge to address in 2009/2010 and following years will be the increasing pressure placed on the Commission's budget by efficiency dividends and increasing costs.

Management discussion and analysis

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

The Commission's expenditure was over budget for 2008/2009, exceeding budget expenditure by approximately \$260,000. The Commission's total expenditure in 2008/2009 was approximately \$3,195,000. Details of the Commission's budget and expenditure are included in Table 3 on page 16.

This result is primarily attributable to some election costs increasing by a greater amount than budgeted. In particular, several election expenditure items increased in cost at a higher level than the general CPI increase over the period since the 2004 election. This issue highlights the inherent difficulty with the ACT government practice of basing ongoing operational funding on past expenditure indexed by CPI, with agencies being expected through efficiencies to fund 1% of staff salary increases and other non-discretionary cost increases such as workers compensation and superannuation.

There are several aspects to the election process that exert cost pressures that do not fit within this costing model. Many election costs are directly linked to population growth. As the number of electors rises, so too does the cost of providing electoral services, as many election costs relate directly to the number of electors being provided with services. Over 10,000 more electors voted in 2008 compared to 2004.

Other areas where costs exceeded CPI growth estimates included:

- ◇ Advertising costs, which have increased at a significantly greater rate than CPI since 2004;
- ◇ ICT services costs, which increased markedly from 2004, particularly the costs charged to Elections ACT by InTACT for project management;
- ◇ Public funding paid to political parties and candidates, which increased from \$246,931 in 2004 to \$295,453 in 2008, a fact attributable to both a higher number of electors and a greater proportion of parties and candidates reaching the threshold for public funding – factors outside the Commission's control; and
- ◇ Polling place hire costs.

Costs also exceeded anticipated budget estimates by around \$52,000 for some "fixed" expenses administered by the Department of Justice and Community Safety, including office accommodation and depreciation. Superannuation costs also exceeded budget estimates by around \$38,000.

An ongoing cost pressure is the cost of the Joint Roll Arrangement with the Commonwealth, which is indexed to both the CPI and population growth. However, the Commission is only funded for the CPI component of the annual increase in the cost of the joint roll.

The budget situation for the Commission will become increasingly difficult over the next few years as efficiency dividends take effect. The Commission's ongoing budget is quite small, with 2 main expenses – salaries and payment for the electoral roll. The continual erosion of the Commission's budget through unfunded increases in salaries and the cost of the joint roll will soon reach the point where the only option available

to the Commission to meet its budget is to seek increased funding or reduce its salary expenditure. The staffing structure comprises 3 full-time and 2 part-time officers in addition to the Members of the Commission. Any reduction in this staffing profile will have a significant impact on ongoing electoral operations, and preparations for, and the running of, the next election. A request for additional base funding for the Commission was rejected in the 2009/2010 budget.

The Commission intends in 2009/2010 to take up with government the issue of increasing the base funding for Elections ACT in both election and non-election years, taking into account factors unique to the election process.

Financial report

The Commission does not have financial reporting obligations under the Financial Management Act. The Commission is included in the JACS portfolio for budgetary purposes. In the departmental structure for 2008/2009, the Commission is included in Output Class 1.6 – Electoral Services.

The financial transactions for the Commission for the year ending 30 June 2009 are formally reported in the consolidated financial statements of the JACS Annual Report. The Commission's financial results have been audited for the purposes of the Audit Act 1989 as part of the JACS portfolio.

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

Table 3 - Financial summary for 2008/2009

ACT Electoral Commission	Budget \$'000	Actual Outcome \$'000
Revenue		
Government Payment for Outputs	2,929	2,929
Other Revenue	10	4
Total Revenue	2,939	2,933
Expenses		
Employee Expenses	1,249	1,298
Superannuation	117	155
Administration Expenses	1,552	1,694
Depreciation	11	48
Total Expenses	2,929	3,195
Operating Result	10	-262

The Commission notes that the government payment for outputs included in the budget operating statement for electoral services in the budget papers for 2008/2009 is shown as \$3,192,000. This includes an allocation of \$263,000 for JACS corporate overheads. The Commission notes that this expenditure is effectively a notional allocation of JACS corporate overheads across the business units in the portfolio, and that this cost does not necessarily represent actual expenditure on electoral services overheads by the Department.

Statement of performance

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

Discussion of the Commission's performance indicators is included in this report under **Performance indicators** on pages 6 to 8 and under **Analysis of agency performance** from pages 18 to 53.

Analysis of agency performance

This section reports on activities undertaken in each key result area in 2008/2009 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 October 2008 Legislative Assembly election was the major focus of the Commission's activities in 2008/2009.

The 2008 election saw further improvements in the conduct of elections for the ACT Legislative Assembly. Of particular note was the introduction of electronic electoral rolls for marking the names of voters in all polling places, the introduction of electronic scanning of handwritten preferences on paper ballots, and the extension of electronic voting to around 1 in 5 of all ACT voters.

These innovations combined to provide electoral services to the greatest number of ACT electors since self-government was introduced, with the result provided in the shortest time ever. The final result for the election was announced on Saturday, 25 October 2009, 7 days after polling day.

Notable features of the election are listed above under **Highlights** on page 10.

The Commission has prepared a detailed **Report on the ACT Legislative Assembly Election 2008** under section 10A of the Electoral Act. This report contains extensive reporting on and analysis of the conduct of the election and was presented to the Attorney General in September 2009. In addition to reporting on the conduct of the 2008 election, this report makes recommendations for changes to electoral legislation with a view to preparations for and the conduct of the 2012 ACT Legislative Assembly election.

This Annual Report includes some of the information contained in the report on the election. However, readers seeking more detailed information on the election will find it in the election report and the **Elections Statistics** for the election, published in December 2008.

Key dates for the 2008 election are shown in the following table.

Table 4 - Key election dates

Event	Date
Last day to lodge applications for party registration	30 June 2008
Close of register of political parties	11 September 2008
Pre-election period commenced and nominations opened	12 September 2008
Rolls closed	19 September 2008 (8 pm)
Nominations closed	24 September 2008 (12 noon)
Nominations declared and ballot paper order determined	25 September 2008 (12 noon)
Pre-poll voting commenced	29 September 2008
Pre-poll voting concluded	17 October 2008 (8 pm)
Polling day	18 October 2008 (8 am – 6 pm)
Last day for receipt of postal votes	24 October 2008
Election result announced	25 October 2008
Declaration of the poll	29 October 2008
Legislative Assembly formed	5 November 2008

Electronic rolls in polling places for the 2008 election

For the first time at a full parliamentary election across an entire jurisdiction anywhere in Australia, Elections ACT introduced electronic rolls in polling places for marking the names of voters. The electronic roll took the form of a hand held personal digital assistant, or PDA, on which an electronic copy of the ACT roll was stored. This replaced the time-honoured system of marking by hand the names of voters on printed certified copies of the rolls. This electronic system also enabled the automatic capture of statistical information on voting time and total voters for each polling place.

PDA's had been used at earlier State and federal elections to find an elector's enrolled electorate for the purpose of issuing absent votes, but not to replace printed certified lists. Only Tasmania had previously used PDA's to replace certified lists at upper house elections for parts of the State. Elections ACT was able to implement this electronic solution for a low cost through the generosity of two other State Electoral Commissions. A total of 1,000 PDA's were loaned to Elections ACT by the Electoral Commission of Queensland at the cost of freight only. The NSW Electoral Commission provided electoral roll inquiry software to run on the PDA's, which was customised for ACT-specific purposes by a local company, Software Improvements, under contract to Elections ACT, to enable the names of voters to be marked as having voted.

To ensure that the PDA's would operate throughout polling day, each polling place was issued with twice as many PDA's as they needed. A paper copy of the roll was also supplied to every polling place to enable name searches using the paper roll if a name could not be found using the PDA search function.

The PDA's were well received by polling officials and voters. In general, polling officials were able to find electors' names faster than using the traditional paper rolls, and they made fewer mistakes in marking names of voters on the rolls.

The provision of the electronic rolls saved the printing of approximately 200,000 sheets of paper, an environmental and cost saving to the Territory.

More information on the use of PDAs at the election can be found in the Commission's **Report on the ACT Legislative Assembly Election 2008**.

Community education campaign for the 2008 election

The Commission undertook an extensive communication campaign leading up to the 2008 election. The campaign communicated several messages to ACT electors, including:

- ◇ Informing ACT electors that there would be an election for the ACT Legislative Assembly on 18 October 2008;
- ◇ Encouraging eligible citizens to enrol for the first time or to update their address details before the rolls closed;
- ◇ Informing electors that they would be voting for one of three electorates;
- ◇ Informing electors living in the suburb of Farrer of the electorate boundary changes that moved Farrer from the electorate of Molonglo to the electorate of Brindabella;
- ◇ Providing information about the voting process to allow electors to cast a valid and informed vote (including an explanation of the implications of preference choices, such as numbering only one box, numbering the number of boxes for which there are seats in the electorate, or giving preferences to as many candidates as the electors wish);
- ◇ Explaining the procedures for voting in both paper and electronic forms;
- ◇ Providing information about the physical requirements of the election, such as where to vote, when to vote, what to do in special circumstances (including information on pre-poll voting, postal voting and voting at polling places on polling day);
- ◇ Identifying the locations of polling places;
- ◇ Informing electors that voting is compulsory; and
- ◇ Informing electors about the 100 metre ban on how-to-vote cards outside polling places.

The Commission again used the campaign theme that had been used successfully at the 2001 and 2004 elections. The Commission placed its advertising using the ACT Government's advertising agency, HMA Blaze. This approach enabled the Commission to use its communication budget primarily for message delivery, avoiding the need for creative concept development.

The advertising campaign included advertising on radio and television, in newspapers, through direct mail to all households, public relations activities, and activities targeted to electors from non-English speaking backgrounds and print-handicapped electors.

The earliest election related media releases were issued in February and May 2008, setting out the deadline for applying to register new political parties. Over the following months the Commission worked to increase awareness of the election by briefing journalists and political participants, and by generating news stories in the media.

The Commission's formal advertising campaign commenced with the first of 2 household deliveries. The first mail out was an information pamphlet delivered to all households in the week commencing 8 September 2008. The core messages of this pamphlet were alerting electors to the need to update address details on the roll, or to enrol, before the close of rolls, arrangements for alternatives to voting on polling day, and the effect of the redistribution in 2007.

The second household delivery in the form of a booklet took place in the week commencing 7 October 2008. This corresponded to the second week of pre-poll voting and included the key messages of arrangements for voting for those who cannot vote at a polling place on polling day, how-to-vote using the electronic voting option, how to correctly mark a ballot paper, the location of pre-poll and polling day polling places, an explanation of Robson rotation of names on ballot papers, and the distribution of preferences.

Radio, television and newspaper advertising was conducted in three phases – enrolment, postal and pre-poll voting, and voting formally. The campaign commenced on 3 September 2008 and concluded on polling day with a booklet included in The Canberra Times. This booklet largely contained the same messages as the booklet delivered to households 2 weeks earlier.

For the first time the television advertisements were converted to a format that allowed them to be included in the streaming vision on screens at Canberra Connect shopfronts. In addition, relevant election information was included in the Canberra Connect call centre messages aired while callers were waiting on the phone to speak to an operator. The advertisements and messages were changed to coincide with the relevant phase of the election campaign.

Public relations activities

A wide range of public relations activities was undertaken during the election campaign. These activities succeeded in generating a large amount of positive coverage of the Commission's election messages.

Public relations activities included:

- ◇ Issuing 17 media releases;
- ◇ Radio, television and newspaper interviews conducted by the Electoral Commissioner and Deputy Electoral Commissioner;
- ◇ Arranging photo and television opportunities in order to draw attention to aspects of the election, particularly voting by computer and the scanning of ballot papers; and
- ◇ Holding public events, including the declaration of the nominations and draw for ballot positions on the ballot papers, the election night Tally Room and the official declaration of the poll.

Market Research

Market Attitude Research Services (MARS) was engaged to undertake an evaluation of voter satisfaction with the 2008 election polling place services, voter knowledge of voting procedures, and an assessment of the impact of the public information program conducted by the Commission. Similar evaluations were conducted by MARS for the 1995, 1998, 2001 and 2004 elections.

Random intercept exit interviews were conducted on polling day with voters as they departed the polling place. Interviews were conducted with 545 voters across a random selection of 26 polling places, of which 4 were electronic voting places.

The key findings of the research were:

- ◇ Sources of awareness of ACT election polling places was greatly assisted by paid advertisements in newspapers and the Elections ACT brochures and website;
- ◇ Usage of the Elections ACT website is increasing, and satisfaction is high;
- ◇ ACT voter usage of the Elections ACT household brochure has declined since the 2004 election, but this decline has been offset by voters increasingly accessing the Elections ACT website to obtain information;
- ◇ Voter awareness of the "Robson rotation" method of ballot papers and voter awareness that "how-to-vote" cards were unavailable within 100 metres of a polling place showed weaknesses during the 2008 ACT election, but these issues did not appear to cause major problems;
- ◇ Voter awareness of the name of their electorate, however, was strong, but voter awareness of the number of members to be elected in their electorate was lower;
- ◇ For the 2008 ACT election over 94 in 100 voters expressed satisfaction with polling place staff helpfulness, and over 97 in 100 expressed satisfaction with polling place staff efficiency and friendliness; and
- ◇ During the 2008 ACT election over 8 in 10 voters surveyed at a computerised voting polling place actually voted using computerised voting, and most expressed satisfaction except with regard to the ease of card swiping and to some extent the clarity of computerised voting instructions.

Detailed findings from the research can be found at in the Commission's **Report on the ACT Legislative Assembly Election 2008**.

Activities aimed at people with special needs.

Several information activities were aimed at people with special needs, including people from culturally and linguistically diverse backgrounds and people with vision or hearing impairment.

Elections ACT employed bilingual educators to provide information to their communities. A total of 6 educators from 7 language groups were employed. These educators conducted 46 sessions which were attended by approximately 800 people. They distributed pamphlets and other election information. A specific election-related pamphlet which had been translated into 11 languages and issued by Elections ACT was also distributed at the sessions and left in appropriate church centres, clubs and restaurants. Some of the educators used the translated pamphlet to read on various ethnic radio programs. Positive feedback was received from participants in this program. Short articles with information about the election were placed in the Office of Multi-cultural Affairs e-news letter which goes to the ACT's multicultural community groups.

Election ACT's election guide was read on Radio 1RPH (radio for the print-handicapped). It was also included in the Canberra Blind Society's monthly audio newsletter which is sent to members and placed in Canberra public libraries.

Close liaison was maintained with the Canberra Blind Society in the setting up of a public demonstration of voting by computer with audio prompts. The demonstration was part of the Canberra Blind Society's Overview 2008 expo.

The Telephone Interpreter service information panel was printed on some of the Elections ACT publications, encouraging electors with limited English to make use of the services to assist with understanding electoral information. Alternative formats for printed publications were available on request.

A register of language capacity of all casual staff was maintained and was used to assist with the recruitment of the bilingual educators.

Website: www.elections.act.gov.au

The Commission made extensive use of its website **www.elections.act.gov.au** as a means of providing information about the election and supplying electoral forms. For example, following legislative change, the 2008 election saw the introduction of an on-line postal vote application form. Previously this was done through signed and witnessed paper applications received by the Electoral Commission through the mail or fax.

In the lead-up to the election, large numbers of users accessed the list of polling places, the electronic postal vote application, information on electronic voting, answers to frequently asked questions, the election timetable, the electoral boundaries, the list of candidates and the fact sheet on the Hare-Clark system.

On and after polling day, most users accessed the on-line election results. Similar to the 2004 election results system, the 2008 virtual tally room allowed the media to access up-to-date election results through the Electoral Commission website rather than having to wait for the release of Commission issued media releases.

Statistics on website activity point to a large increase in visits to the Commission's site for the election period.

Before the election period began, the number of page hits on the website averaged 1,038 per day. In August 2008 this increased to an average of 1,432 page hits per day. After the election period officially started, the number of website page hits increased dramatically to 40,189 per day in October. The largest number of page hits – 86,013 – was recorded on election day. Usage remained high through November, averaging 37,323 per day.

Voting

Voting turnout

At the 2008 election, 220,019 electors cast votes that were admitted to the scrutiny, a turnout of 90.4%. This was a lower than expected turnout, and represents a 2.4% reduction compared to 2004, and the lowest percentage turnout since 1995. However, this was the highest absolute number of votes taken in an ACT Legislative Assembly election – 220,019 votes (compared to 209,749 in 2004). Table 5 provides details of turnout, and percentage of votes by type, since 1995. There were 8,370 informal votes in 2008, or 3.8% of votes cast. The informal rate increased by 1.15 percentage points from 2004.

The turnout of voters is discussed below in the context of the state of the electoral roll under **Electoral rolls**.

The percentage of voters who voted before polling day almost reached 25% of all votes cast at the 2008 election. Pre-poll votes accounted for 20.3% of all votes and postal votes accounted for 4.4%. At the 2004 election 14.7% of votes were pre-poll and 3.1% were postal votes. The following table shows the percentage of ordinary, pre poll and postal votes for each ACT election since 1995.

Table 5 - Percentage of votes cast by vote type

	Ordinary %	Postal %	Pre-poll %	Declaration %	Total %	Turnout %
1995	86.1	2.4	10.6	0.9	100	89.5
1998	84.1	2.8	12.2	1.0	100	91.8
2001	83.8	3.2	12.4	0.6	100	90.9
2004	81.4	3.1	14.7	0.9	100	92.8
2008	75.0	4.4	20.3	0.4	100	90.4

The percentage of pre-poll voters has increased by almost 92% from 1995 to 2008, and from 2004 to 2008 by over 38%

More detailed statistics and analysis of votes cast are included in the **Report on the ACT Legislative Assembly Election 2008**.

Pre-poll voting

Pre-poll voting was provided at Belconnen, Civic, Gungahlin, Tuggeranong and Woden in the 3 weeks before polling day, commencing on Monday 29 September 2008. Gungahlin was used as a pre-poll centre for the first time for an ACT Legislative Assembly election in 2008. Computer voting was provided at all pre-poll voting centres. A total of 44,635 pre-poll votes were cast, or 20.3% of all votes. In 2004, pre-poll votes accounted for 14.7% of all votes.

Of the pre-poll votes cast, 36,323, or 81.4% were cast by computer. In 2004, there were 20,722 pre-poll votes cast by computer, or 68.2% of all pre-poll votes.

The pre-poll centres were also used as polling places on polling day, with computer voting available at those locations.

Electronic voting

The ACT's electronic voting and counting system was introduced at the 2001 election, improved for the 2004 election and further improved and upgraded for the 2008 election.

Electronic, or computer, voting was deployed in the 5 pre-poll voting centres located in each of the main town centres (Belconnen, Civic, Gungahlin, Tuggeranong and Woden) for the period of 3 weeks before polling day. These same locations also had computer voting on polling day. Normal paper ballots were also available at each computer voting centre.

Staff of Elections ACT set-up the pre-poll centres with a voting server and 20 voting booths as well as normal voting facilities for paper ballot voting. One of the 20 computer voting booths was configured to suit those with disability, including headphones for voters who are blind or vision impaired, and wheelchair access.

Each computer voting booth was equipped with a voting display screen, barcode reader, keypad and instruction poster.

The number of voters using the computer voting facilities increased markedly from 2004 to 2008.

In 2004 there were 20,722 pre-poll votes cast by computer, or 68.2% of all pre-poll votes, whereas in 2008, of the pre-poll votes cast, 36,323, or 81.4%, were cast by computer.

In 2004, there were 11,710 votes issued at computer facility polling places on polling day, of which 7,447 or 63.6% were computer votes. In 2008 there were 9,312 votes issued of which 7,497 or 80.5% were computer votes.

In total the number of computer votes increased from 28,169 in 2004, being 66.9% of all votes cast at computer voting centres (and 12.5% of all votes cast) to 43,820 votes in 2008 (including 295 discarded barcodes counted as informal votes), or 81.7% of votes cast at computer voting centres (and 19.9% of all votes cast).

More detailed statistics and analysis of the electronic voting system are included in the **Report on the ACT Legislative Assembly Election 2008**.

The 2009/2010 ACT budget has made allowance for the commencement of a 4-year program of re-development of the Elections ACT ICT systems. The re-development of the electronic voting and counting system, eVACS®, will be a major component of that program.

Postal voting

There were 9,599 postal votes cast for the 2008 election, from a total of 11,833 postal vote packages dispatched as a result of application. In 2004 there were 6,532 postal votes cast. The change from 2004 to 2008 represents an increase of 47%.

There were two significant changes made in June 2008 to the way postal voting operates:

- ◇ Removing the requirement for a postal vote application to be signed and witnessed; and
- ◇ Allowing an application to be made on behalf of another elector, provided that elector has authorised the person to apply for them.

For the first time, postal applications could be made over the phone, by email, online on the Elections ACT website, or on a written application as in the past. Applications over the phone were made through the Canberra Connect call centre.

The system worked extremely well, with anecdotal comments made by applicants about the ease of applying. Details of applicants were either entered directly to the postal voting system, or by operators at the call centre, or from email and written information. This automation enabled a much quicker turnaround of the postal vote ballot material to the applicant.

More detailed statistics and discussion of postal voting are included in the **Report on the ACT Legislative Assembly Election 2008**.

Voting at polling places

Public schools, private schools, hospitals and community facilities were used as polling venues in the 2008 election.

Wherever possible Elections ACT attempted to keep the same polling places that were used at previous ACT and federal elections in order to minimise public confusion. Due to the closure of some public schools and the unavailability of other venues due to renovation, among other things, there were different polling venues in 13 suburbs.

As at previous ACT elections, electors were able to cast an ordinary vote at any polling place within the ACT. An ordinary vote is a vote issued to an elector whose name is found on the certified list of electors for the election.

Mobile polling

Teams of polling officials visited 24 nursing/retirement homes/villages, the Canberra and Calvary (Bruce and Deakin) hospitals and the Belconnen and Symonston remand centres in the week leading up to and including polling day.

The mobile teams took a total of 1,105 votes from patients, residents and inmates of those institutions. This compares to the 1,511 votes taken in 2004.

Declaration voting

A declaration vote is issued to a voter in a polling place or pre-poll centre when his or her name cannot be found on the roll for any of the three electorates. There were 813 declaration votes issued in 2008, compared to 1,818 in 2004.

The most likely explanation for the decrease in the number of declaration votes issued in 2008 compared to 2004 is that the AEC had altered its policy of removing electors from the rolls on the grounds of non-residence in the lead-up to and aftermath of the 2007 federal election. As a result, electors who in the past may have been removed from the rolls on the grounds of non-residence were more likely to be retained on the roll for an out-of-date address while the AEC sought to re-enrol the person for their current address. One effect of this policy appeared to be the reduction in the number of declaration votes issued, as electors who in 2004 would have been removed from the rolls would have still been on the roll in 2008 under this policy. Another effect of this policy was the apparent inflation of the roll by failure to remove electors from the rolls where they had left the ACT (discussed below under **Electoral Rolls**).

The AEC was again contracted to undertake the scrutiny of declaration votes. This is a complex task involving the detailed examination of the voter's enrolment history using the AEC's computerised roll management system.

Interstate voting

Interstate voters could vote in person at the office of the capital city office of each interstate electoral commission and at the AEC's divisional offices at Goulburn, Narrandera and Nowra during the pre-election period. This is the first election that the AEC divisional offices were used as voting places. These locations were selected as they issued a relatively large number of votes for ACT electors at the 2007 federal election. These venues will be reviewed for the 2012 election as only 17, 7 and 19 votes were cast at these places, respectively, for the 2008 ACT election. There were 369 votes taken at the capital city offices of the State and Territory electoral commissions.

Prisoner voting

The entitlement for prisoners to enrol to vote was amended in May 2008 to allow all eligible ACT prisoners to enrol and vote in ACT Legislative Assembly elections. This entitlement allowed prisoners sentenced to imprisonment for 3 years or longer, who had an address in the ACT prior to their imprisonment, to enrol with respect to that address. This entitlement applied regardless of the location of the prison in which they were serving their sentence.

Elections ACT liaised with ACT Corrective Services on all arrangements for the enrolment and voting by remandees and prisoners. ACT remandees were located in one of the two centres in the ACT (Belconnen and Symonston) and prisoners were located in remand centres in the ACT or in prisons in NSW.

Informal voting

For the first time since the 1995 election the informal rate of voting increased from the previous election. The informal rate for the 2008 election was 3.8%, up from 3.0% in 2004. However, the rate remains below the level of every other election since the first election in 1989. The following table provides a comparison of the rate of informality since 1989.

Table 6 - Informal voting in the ACT

2008	2004	2001	1998	1995	1992	1989
3.8%	3.0%	4.0%	4.3%	6.7%	6.5%	5.7%

Also for the first time, the number of discarded electronic voting barcodes have been included as informal electronic votes in the calculation. However, the number involved (295) has only had the effect of increasing the informal rate by 0.1 of a percentage point.

It is not clear why the informal rate has increased for the 2008 election, and a number of factors may have had an impact.

One possibility is that the increase is a return to a normal pattern following the marked decrease experienced in 2004. Further, the marked decrease in the informal rate in 2004 could be put down to the additional advertising and information campaign undertaken to make clear the difference in voting requirements for ACT elections compared to the federal election, held one week before the ACT election.

Another possibility could be a reflection of the respective number of candidates and parties in each electorate in 2008. In Brindabella there were candidates for only 5 registered parties and no non-party candidates, in Ginninderra there were also only 5 parties but 6 non-party candidates, while in Molonglo all 8 of the registered parties with candidates were represented, and there were 4 non-party candidates. In Brindabella the informal rate was 4.2%, in Ginninderra 4.0% and in Molonglo 3.4%.

A detailed survey of informal ballots cast at the 2008 election is included in the Commission's **Report on the ACT Legislative Assembly Election 2008**, at Tables 29 to 33.

Compulsory voting

Voting is compulsory for ACT elections. It is an offence for an enrolled elector to fail to vote at an election without a valid and sufficient reason.

By subtracting the number of total votes from the total enrolment, a total of 23,452 electors had apparently failed to vote at the 2008 election. However, this calculation does not take account of electors who attempted to vote and had their votes rejected (such as postal voters who did not sign their declaration) or of declaration voters whose names were not included on the roll but whose votes were admitted to the count. A total of 8,119 electors had notified Elections ACT of a valid and sufficient reason for failing to vote before failure to vote notices were sent. On 27 November 2008 Elections ACT sent 16,647 notices to apparent non-voters.

On 6 February 2009 Elections ACT sent reminder notices to the 7,124 apparent non-voters who had failed to reply by that time. On 3 April 2009 Elections ACT sent notices of possible prosecution to the 5,083 apparent non-voters who had failed to reply to the reminder notice. This third notice was sent by registered mail, requiring the recipient to sign an acknowledgment of receipt.

At the time of preparing this report, Elections ACT has been liaising with the ACT Magistrates Court for the issue of summonses to the 496 electors who have failed to reply to the notice of possible prosecution, and to those electors who provided a reason that was taken not to be valid and sufficient and who have not subsequently paid the failure to vote penalty.

The following table outlines the replies received up to 5 August 2009, compared with the total replies for the 2004 election. Non-voter processes will continue in the 2009/2010 year.

Table 7 - Non-voter statistics for the 2004 and 2008 elections

Details	2004	2008
Total enrolment	226,098	243,471
Votes counted	209,749	220,019
Number of apparent non-voters	16,349	23,452
Valid reason for not voting provided before notices sent ¹	7,029	8,119
Number of electors sent non-voters notice²	11,396	16,673
Elector claimed to have voted	873	307
Elector unable to vote due to mental incapacity or being infirm	107	120
Elector deceased	18	15
Other valid and sufficient reason provided	4,210	5,291
\$20 penalty paid	1,953	3,422
Elector moved permanently interstate or overseas	793	1,518
Letter returned undelivered	2,775	5,481
No valid and sufficient reason provided and penalty not paid	17	23
No reply	650	496

Note 1: Includes electors whose postal or declaration votes were not admitted to the count, electors who provided valid reasons in person or by telephone, letter or email, and electors who transferred their enrolment interstate before notices were sent.

Note 2: The number of notices sent and the number of valid reasons provided before notices were sent do not sum to the total number of apparent non-voters because some voters provided reasons but nevertheless voted.

Multiple voting

Following the detailed examination of certified lists of voters used at polling places and used to mark those who had voted by post or had had declaration votes, and after culling for polling official error, Elections ACT concluded that 72 names had been marked twice on the certified lists without an apparent explanation. Of these 21 names were of Brindabella electors, 18 of Ginninderra electors and 33 of Molonglo electors.

Correspondence with the 72 electors indicated that many of them had appeared to have voted only once, and that many involved a probable mix-up with other electors with the same or a similar name (for example, a father and son) by polling officials. While it cannot now be proven or quantified, evidence suggests that some of the instances of the wrong elector being marked relate to people who were not enrolled being issued a vote in the name of a person who is on the roll.

Of the 72 people sent correspondence, 2 did not respond and 4 have admitted to voting twice. Of those who did not respond, there was 1 elector in each of the electorates of Ginninderra and Molonglo. Of those who admitted to voting twice, 3 were electors in Brindabella and 1 was an elector in Ginninderra.

Of the 4 who have admitted to voting twice, in all cases the electors had mitigating circumstances. None of these cases disclosed evidence of an intention to deliberately vote more than once. As a result, the Commissioner decided that prosecution action in these cases was not warranted.

Elections ACT does not consider that this level of apparent multiple voting is indicative of any organised attempt to fraudulently influence the result of the election. Further, given that the number of apparent multiple votes in each electorate was smaller than the smallest margin in each electorate, Elections ACT also considered that the identified level of apparent multiple voting was not sufficient to have the potential of altering the outcome.

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 2008/2009.

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 2008/2009. Details of these elections are shown in Table 8.

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 8 - Interstate elections

Election	Polling day	Assistance provided	Votes
New South Wales by-election (Ryde)	18/10/08	Pre-poll voting	0
New South Wales by-election (Cabramatta)	18/10/08	Pre-poll voting	3
New South Wales by-election (Lakemba)	18/10/08	Pre-poll voting	0
New South Wales by-election (Port Macquarie)	18/10/08	Pre-poll voting	6
Northern Territory General Election	8/08/08	Pre-poll voting	20
Queensland State election	21/03/09	Pre-poll voting	420
South Australia by-election (Frome)	17/01/09	Pre-poll voting	1
Tasmanian Legislative Council election (Derwent, Mersey, Windermere)	02/05/09	Pre-poll voting	0
Western Australia Daylight Savings referendum	16/05/09	Pre-poll voting	125
Western Australia by-election (Fremantle)	16/05/09	Pre-poll voting	2
Total			577

Statutory and fee-for-service elections

Aboriginal and Torres Strait Islander Elected Body election

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

While most of the election processes took place in the 2007/2008 year, the count of ballot papers was conducted on Tuesday 1 July 2008, when 227 votes were admitted to the count.

The Electoral Commissioner publically declared the names of the successful candidates on Wednesday 2 July 2008. The result of the election was formally notified on the Legislation Register on 4 July 2008.

The next election is due to be held in 2011.

Table 9 - Aboriginal and Torres Strait Islander Elected Body

Election	Vacancies	Candidates	Polls closed	Result provided	Votes
Aboriginal and Torres Strait Islander Elected Body	7	13	21/06/08	1/07/08	227
Total	7	13			227

Health professionals board elections

Elections ACT conducts elections for ACT health professionals boards under the *Health Professionals Regulation 2004*. These elections are conducted as postal ballots, generally every 4 years. Elections ACT provided services for one such election in 2008/2009. Details of this election are shown in Table 10.

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

Table 10 - Health professionals board election

Election	Vacancies	Candidates	Polls closed	Result provided	Votes
Medical Board of the ACT	3	8	23/01/09	23/01/09	698
Total	3	8			698

Fee-for-service electoral services

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

Australian National University elections

Elections ACT assisted with the ANU Union annual elections and the ANU Students' Association (ANUSA) annual elections in 2008. Details of these elections are shown in Table 11.

Nominations for the Union elections closed on 15 July, polling was conducted from 4 to 7 August and the results were determined on 7 August.

For the ANUSA elections, nominations closed on 6 August, polling was from 18 August to 21 August and final results were determined on 26 August.

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

Table 11 - Australian National University elections

Election	Vacancies	Candidates	Votes
Election of 3 ANU Union directors (full 2 year term), August 2008	4	10	1391
ANU Students' Association annual elections, August 2008	43	143	1857
Total	47	153	3248

Other elections

Election ACT conducted or assisted with several other elections in 2008/2009. Details of these elections are shown in the following table.

Table 12 - Other elections

Election	Vacancies	Candidates	Polls closed	Result provided	Votes
Department of Disability, Housing and Community Services – Certified agreement variation ballot	-	-	07/07/08	07/07/08	274
Southern Cross Club - Plebiscite	-	-	14/08/08	14/08/08	13,521
Western Districts Rugby Union club- Plebiscite	-	-	14/08/08	14/08/08	4,129
Australian Truckers Association – Single truck owner / driver	1	2	10/03/09	10/03/09	21
Australian Truckers Association – 2 to 5 truck owner / driver	1	1	n/a	n/a	n/a
Medical Practitioners - Certified agreement ballot	-	-	12/05/09	12/05/09	369
Total	2	3			18,314

Internet resources

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

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

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

Performance indicator summary

Objectives	Measures	Outcomes
Maintain high client satisfaction	Feedback from clients/electors	All electoral education and fee-for-service election clients expressed satisfaction. For the 2008 election, market research of a sample of voters indicated that over 94 in 100 voters expressed satisfaction with polling place staff helpfulness, and over 97 in 100 expressed satisfaction with polling place staff efficiency and friendliness
Manage registration of political parties	Statutory requirements met	Statutory requirements met
Redraw electoral boundaries for each election	Statutory requirements met	There were no redistributions commenced or concluded in the reporting period. The next redistribution will commence shortly after October 2010

KEY RESULT AREA 2.1

ELECTORAL INFORMATION AND ADVICE

Information service

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

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

Publications

The following items were published in 2008/2009:

- ◇ ACT Electoral Commission *Annual Report 2007/2008*;
- ◇ Updated funding and disclosure information booklets and related forms;
- ◇ *Candidates Information* booklets and related forms;
- ◇ *Scrutineers Information* booklets and related forms; and
- ◇ *Election Statistics ACT Legislative Assembly Election 2008*.

In addition, the following are available from the Commission:

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

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

Internet

The Elections ACT website address is **www.elections.act.gov.au**. This website continued to be maintained and updated in 2008/2009.

Information and services provided on the website in 2008/2009 included:

- ◇ General information about Elections ACT;
- ◇ Information for candidates, voters and the media about the 2008 Legislative Assembly election;
- ◇ Facilities for making on-line applications for postal votes;
- ◇ Detailed results of the count at the 2008 Legislative Assembly election;
- ◇ Details of past ACT Legislative Assembly elections, casual vacancies and referendums;
- ◇ Information and submissions regarding electoral boundaries;
- ◇ Media releases;
- ◇ The party register, including details on the registration of political parties;
- ◇ Information on the funding and disclosure scheme, including downloadable copies of returns;
- ◇ Information for organisations wishing to run their own elections;
- ◇ Information for schools to run their own elections;
- ◇ A link to the AEC electoral enrolment forms, and other enrolment information;
- ◇ Printable copies of the Commission's publications; and
- ◇ Links to electoral legislation, other electoral bodies and ACT agencies.

Advice

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

- ◇ Advising the Government and Legislative Assembly Members on matters related to the Electoral Act;
- ◇ Appearing before the Select Committee on Estimates;
- ◇ Appearing before the Standing Committee on Legal Affairs in relation to the Commission's 2007/2008 annual report;
- ◇ Making a submission to the Select Committee on Campaign Advertising in relation to its inquiry into the Government Agencies (Campaign Advertising) Bill 2008;
- ◇ Making a submission to the Standing Committee on Administration and Procedure in relation to its inquiry into the appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT;
- ◇ Advising the Minister for Indigenous Affairs of the result of the Aboriginal and Torres Strait Islander Elected Body election;
- ◇ Hosting visitors during the 2008 Legislative Assembly election from State and Territory electoral commissions, the New Zealand Department of Internal Affairs and the Samoan Electoral Commission; and
- ◇ Briefing delegates from the Election Commission of Egypt and the National Election Commission of South Korea on the ACT's electronic marking of voter names, electronic voting and counting, and the scanning of ballot papers systems.

Electoral Legislation

In 2008/2009 the Commission provided the Government with advice on several issues that related to the ACT's electoral legislation. These issues included the independence of the Commission in the context of the Latimer House Principles, the Legislative Assembly's inquiry into the Government Agencies (Campaign Advertising) Bill 2008, and the Commonwealth's green paper process aimed at a joint Commonwealth, State and Territory approach to reforming and modernising electoral processes.

Only one set of amendments to the Electoral Act were passed by the Legislative Assembly in 2008/2009.

The ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) made amendments to the Electoral Act by replacing references to the Administrative Appeals tribunal with references to the ACT Civil and Administrative Tribunal, and consequential amendments reflecting the revised review and appeals process for the ACT. The amendments took effect on 2 February 2009.

An amendment was made to the *Electoral Regulation 1993* to provide that the chief executive of the Department of Treasury is a prescribed authority entitled to receive electoral roll information for the purpose of contacting former Totalcare employees about superannuation. This amendment took effect on 19 September 2008.

KEY RESULT AREA 2.2

ELECTORAL ENROLMENT

Joint roll arrangement

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

The Commissioner pays the AEC a yearly fee for maintaining the joint roll. This fee is adjusted yearly for CPI and enrolment changes, and is due to be renegotiated every 3 years. Negotiations commenced on revising the joint roll fee in 2008/2009 and are expected to be concluded during 2009/2010 for the period from 2009/2010 to 2011/2012. A fee of \$0.6885 per elector was set for 2008/2009. Joint roll payments for the year totalled \$166,365 (excluding GST). The fee paid in 2008/2009 was based on the previous year's fee, indexed by the CPI and changes to the number of electors enrolled at 30 June 2008 compared to 30 June 2007.

Continuous Roll Update

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

Change of address data provided by Centrelink, Australia Post, the Rental Bond Board, the ACT Motor Registry, the ACT Board of Senior Secondary Studies and ActewAGL continued to be used in 2008/2009 to generate letters to households where electors may need to update their enrolment.

With the Legislative Assembly election due to be held in October 2008, Elections ACT and the AEC agreed to undertake a range of additional enrolment stimulation activities in the six months preceding the election. These, along with the regular ongoing activities included:

- ◇ The Elections ACT information and advertising campaign, commencing in September 2008, with an initial focus on alerting electors to the need to enrol for the election before the rolls closed;
- ◇ Fieldwork (home visits) during June 2008 aimed at addresses where change of residents has been identified but there had been no response to correspondence to that address;
- ◇ Fieldwork in July and August 2008 targeted at areas of high population growth but relatively low enrolment, such as Gungahlin and Harrison;
- ◇ Establishing information stalls during August and September 2008 at the Kingston and Gungahlin markets;
- ◇ Standard monthly mail review during April to August 2008, inclusive;
- ◇ Sending birthday cards to 17 and 18 year olds on a weekly basis inviting them to enrol; and
- ◇ The national enrol to vote week from 28 July to 3 August 2008.

The school bounty program, where schools are paid a small fee for each student's enrolment form collected, was suspended during 2008/2009 because of the range of other activities aimed at school students. In its report titled *Report on the conduct of the 2007 federal election and matters related thereto*, tabled in the federal Parliament on 22 June 2009, the federal Parliament's Joint Standing Committee on Electoral Matters (JSCEM) discussed the effectiveness of the bounty schemes and recommended their introduction nationally. The federal Government is yet to respond to the recommendations of the report. Elections ACT will be in discussion with the AEC, through the ECA, on this and other matters of mutual interest as the federal Government considers its response to the JSCEM report.

Completeness and accuracy of the ACT electoral roll

The conduct of a general election for the Legislative Assembly provides useful indicators of the completeness and accuracy of the electoral roll. In particular, key indicators include voter turnout, responses to notices sent to non-voters, and the number of declaration votes issued to electors who are not on the electoral roll.

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

There are indications that this apparent drop in voter participation was due in part to a change in roll management practices adopted by the AEC. A significant change implemented by the AEC in the lead-up to the 2007 federal election, and maintained since, was the adoption of a policy of delaying the removal of electors from the roll where the AEC is aware that an elector has left their enrolled address, while the AEC attempts to contact the elector at their new address and secure an updated enrolment at that new address. Before this policy was introduced, electors were more likely to be removed from the roll earlier where the AEC was aware the elector had left their address. As a result of this policy change, it would appear that the roll for the 2008 election may have been inflated with the names of electors who had left the ACT, but who in past years would have been removed from the rolls before the election.

The Commission's Report on the 2008 ACT Legislative Assembly election examines this issue in detail. In that report, the Commission suggests additional ways of measuring voter participation. By measuring voter turnout relative to the estimated number of citizens eligible for enrolment, it is apparent that voter turnout actually increased from 86.7% in 2004 to 87.7% in 2008.

Another indicator of the state of the roll is given by responses to non-voter notices. A total of 5,481 non-voter notices were returned undelivered after the 2008 election (generally because the elector had left the address), compared to 2,775 notices returned undelivered after the 2004 election. The difference between these two figures, adjusted for the growth in elector population between 2004 and 2008, could mean that the 2008 roll had approximately 2,500 more electors who had left but were still on the roll compared with the situation in 2004. If this is taken into account, the voter turn-out in 2008 would change from 90.4% to 91.3%.

However, it would also appear that this approach had a positive benefit in retaining people on the ACT roll where they had moved from one address to another in the ACT, whereas in the past they may have been removed from the roll. An indicator of this outcome is the number of declaration votes admitted to the count. Declaration votes are given to people claiming to vote whose name cannot be found on the roll. Where records indicate that these people had retained a right to enrol for the address for which they were removed from the roll, their declaration votes are admitted to the count. In 2008, 813 declaration votes were admitted to the count (consisting of 580 voters who were on the roll but who were not found on the roll in the polling place, and 233 voters whose names had been removed from the rolls by the AEC, generally on the ground of non-residence) compared to 1818 admitted declaration votes in 2004 (consisting of 516 voters who were on the roll but who were not found on the roll in the polling place, and 1302 voters whose names had been removed from the rolls by the AEC). These figures would indicate that the policy of retaining electors' names on the rolls where evidence indicated they had left their enrolled address acted to preserve the right to vote for those people who had retained a residence in the ACT.

The following table shows actual enrolment figures by age group as at 30 June 2008, 19 September 2008 (the date of the close of rolls for the 2008 Legislative Assembly election) and 30 June 2009, 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 table indicates that the proportion of 18 year-olds enrolled in the ACT had increased from 61.0% of the estimated eligible population at 30 June 2008 to 74.4% at the close of rolls for the 2008 election, with a decrease again to 60.5% at 30 June 2009. This outcome is consistent with observed trends that indicate that high proportions of young people do not enrol unless an election is imminent, and reflects the efforts the AEC put into enrolling young people in preparation of the 2008 election, and the subsequent decline in enrolment stimulation activity in the post-election period of the first half of 2009. There are marginal changes in the percentage of enrolment in other age groups between 30 June 2008 and the close of rolls, and again to 30 June 2009. This is indicative of the high level of enrolment following the federal election in November 2007 reflected in the 30 June 2008 figures, and the enrolment stimulation activities undertaken throughout calendar year 2008 prior to the 2008 ACT election, and the low enrolment stimulation activity following the election.

Table 13 - Enrolment by age group 2008-2009

Age group	30 June 2008		19 September 2008 ¹		30 June 2009	
	Number enrolled	% of estimated entitled to enrol	Number enrolled and entitled to vote	% of estimated entitled to enrol	Number enrolled	% of estimated entitled to enrol
17 ²	532				1,103	
18	2,888	61.0%	3,850 ³	79.9%	2,859	60.5%
19	4,393	86.3%	4,453	85.4%	4,118	84.9%
20-24	23,846	90.4%	24,078	91.1%	23,969	91.9%
25-29	24,496	93.9%	24,844	94.3%	25,242	94.7%
30-34	23,190	98.0%	23,249	97.4%	23,439	99.9%
35-39	24,764	97.8%	25,030	98.4%	25,144	96.9%
40-44	22,790	99.2%	22,829	98.4%	22,851	98.9%
45-49	23,594	98.1%	23,618	98.3%	23,665	98.2%
50-54	21,697	100.0%	21,819	100.0%	22,061	101.6%
55-59	20,460	103.0%	20,418	101.2%	20,461	101.5%
60-64	16,421	99.1%	16,647	100.7%	17,368	101.0%
65-69	10,615	100.3%	10,716	100.3%	11,177	100.7%
70+	21,958	100.5%	21,920	99.6%	22,670	97.0%
Total	241,112	96.9%	243,471	97.1%	245,024	97.0%

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

Note 2: As 17 year old enrolment is voluntary, the number of 17 year olds and the percentage of those eligible for this age group are not included in the calculation of the total for the ACT for 30 June 2008 and 2009.

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

The percentages in the above table showing the proportion of electors who are actually enrolled compared to the estimated number of people eligible to enrol need to be treated with caution as they are based on various assumptions about residency and eligibility. The estimates for the 2 years shown are post-censal estimates based on 2006 census data updated by birth and death registrations, and estimated interstate and overseas migration. The fact that some age groups show participation rates greater than 100% is likely to be due to the nature of the estimates, and because the AEC delays the removal of people from the roll, where it has information that people may have left their enrolled address, pending further investigation of these enrolments.

Electoral Council of Australia

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

The ECA considers issues related to the maintenance of the electoral rolls, the operation of new electoral legislation, best practice in the management of elections and other matters of common interest. The ECA met 3 times in 2008/2009. The ACT Electoral Commissioner attended 2 of these meetings.

Main issues discussed by the ECA in 2008/2009 included the management of the joint electoral rolls, the Commonwealth Government's green paper process aimed at a joint Commonwealth, State and Territory approach to reforming and modernising electoral processes, and future directions for the ECA, including opportunities for cooperation between jurisdictions.

State and Territory Electoral Commissioners meetings

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

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

The State and Territory Electoral Commissioners met 4 times in 2008/2009. Issues discussed included electronic electoral rolls in polling places, web-based training of polling officials, performance assessment and recruitment of polling officials.

KEY RESULT AREA 2.3

ELECTORAL EDUCATION

Electoral education program

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

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

The Commission undertook an extensive community education campaign in the lead-up to the 2008 Legislative Assembly election. For more comprehensive information about this campaign, refer to **Community education campaign for the 2008 election** above at page 21.

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

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

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

The following table lists electoral education sessions conducted by Elections ACT staff in 2007/2008 and 2008/2009. The number of sessions conducted in 2008/2009 was less than the previous year because the Elections ACT education officer was also undertaking several election-related information projects, including a major role as the tally room manager. The Legislative Assembly education office continued to conduct education sessions including mock elections during this period when Elections ACT staff were not able to be present.

Table 14 - Electoral education sessions

Organisation type	Number of participants 2007/2008	Number of participants 2008/2009
Colleges	386	105
Community Groups	72	179
High Schools	1,280	210
Primary Schools	604	206
Professional Groups	116	150
Total	2,458	850

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

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

A campaign to encourage secondary schools to elect members to their Student Representative Council by conducting their own elections using the Hare-Clark system continued in 2008/2009.

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

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

The Commission's education program is advertised, in conjunction with the Legislative Assembly, by direct mail-out to schools and by referral from other organisations.

Elections ACT continued its relationship with the ACT Department of Education and Training in the area of curriculum development. A new curriculum framework was implemented in ACT schools in 2008 including a detailed Essential Learning Achievement titled "*The student understands and values what it means to be a citizen within a democracy*". Information on Elections ACT education resources was presented to a teachers' workshop engaged in writing curriculum units aimed at fulfilling this Essential Learning Achievement.

The Electoral Educators' Network was established in 2009 as a formal mechanism by which State, Territory and federal electoral commissions could meet to discuss electoral education work, share ideas and explore new and emerging concepts in electoral education through an annual conference and an Electoral Education Network microsite. The inaugural meeting was held in Canberra to coincide with the opening of the Museum of Australian Democracy at Old Parliament House. Elections ACT is an active participant in this network.

KEY RESULT AREA 2.4

OTHER ELECTORAL STATUTORY REQUIREMENTS

Registration of political parties

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

At 1 July 2008, there were 7 parties on the register of political parties.

As 2008 was a Legislative Assembly election year, any applications received after 30 June 2008 for registration of new parties, or for changes to the register for existing parties, could not be considered until after polling day for the election.

Prior to 30 June 2008, the Commissioner had received applications for registration from the Pangallo Independents Party and the Richard Mulcahy Canberra Party, but the registration process had not been completed by 30 June 2008. At that time, objections had been received against the registration of both these parties. Following consideration of the objections, the Registrar of Political Parties decided to register both parties. The Pangallo Independents Party was registered on 15 July 2009, and the Richard Mulcahy Canberra Party was registered on 18 July 2009. Applications for review of the decisions to register these 2 parties were received by the Commission. The full Commission considered these requests for review and decided in each case to confirm the decision of the Registrar of Political Parties to register the parties.

Also prior to 30 June 2008, applications to change the name of the abbreviation of the Liberal Democratic Party from LDP to Liberal Democrats and of The Community Alliance Party (ACT) from CAP to Community Alliance had been received. At 30 June 2009, objections had been received against making the change of the abbreviation of the Liberal Democratic Party, and the objection period for the change to the abbreviation of The Community Alliance Party (ACT) had not closed. The objections to the change of the abbreviation of the name of the Liberal Democratic Party were considered and subsequently the change was approved by the Registrar of Political Parties and the Register amended accordingly. There were no objections to the change of the abbreviation of the name of The Community Alliance Party (ACT) and subsequently the change was approved and the Register amended.

More information on party registration issues in the lead-up to the 2008 election can be found in the Commission's **Report on the ACT Legislative Assembly Election 2008**.

As at 30 June 2009, the following 9 parties were listed on the register of political parties. As no parties were added to the register after the October 2008 election, all these parties were eligible to nominate candidates for the 2008 ACT election.

Table 15 - Registered political parties as at 30 June 2008

Party name	Party abbreviation
Australian Labor Party (ACT Branch)	Australian Labor Party
Australian Motorist Party	A.M.P.
Free Range Canberra ¹	FRC
Liberal Democratic Party	Liberal Democrats
Liberal Party of Australia (A.C.T. Division)	Canberra Liberals
Pangallo Independents Party	Pangallo Independents
Richard Mulcahy Canberra Party	Canberra Party
The ACT Greens	The Greens
The Community Alliance Party (ACT)	Community Alliance

Note 1: Free Range Canberra did not nominate candidates for the 2008 ACT election.

Funding and disclosure scheme

Election funding

Under the funding and disclosure provisions of the Electoral Act, registered political parties, and non-party candidates who receive the minimum number of formal votes to qualify are eligible to receive public funding.

To qualify, a group of candidates endorsed by a registered party in an electorate must receive at least 4% of the formal first preference votes counted in that electorate. Each candidate that is not endorsed by a registered political party must also receive 4% of the formal first preference votes counted in that electorate to qualify.

The ACT scheme for public funding is a formula based "automatic payment" 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 public funding payments made with respect to the 18 October 2008 ACT election are provided in the following table.

Table 16 - Public funding at the 2008 election

Party/candidate name	Public funding amount
Australian Labor Party (ACT Branch)	\$116,886.51
Australian Motorist Party	\$11,968.44
Liberal Party of Australia (A.C.T. Division)	\$98,759.54
Pangallo Independents Party	\$6,281.14
The ACT Greens	\$48,832.46
The Community Alliance Party (ACT)	\$7,133.50
Mark Parton - Independent	\$5,591.28
TOTAL	\$295,452.86

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 2007/2008 financial year by October 2008. As 2008 was an election year, persons who donated more than \$1500 to a party, MLA or associated entity were required to lodge their annual returns by December 2008.

For the 2007/2008 financial year, 8 annual returns were received from political parties, 17 from MLAs, 1 from an associated entity and 49 from donors.

These returns were made public on 2 February 2009. Copies of the returns can be viewed at the Elections ACT website.

On 21 May 2008 amendments to the financial disclosure provisions of the Electoral Act became law. Some of those amendments were subject to transitional provisions that had the effect of delaying their implementation until 1 July 2008.

One of the main amendments for 2008/2009 and beyond is that most of the thresholds for reporting obligations decreased from \$1500 to \$1000.

However, the threshold for reporting of receipts (including gifts and loans) by associated entities has been removed with effect from the 2008/2009 financial year. Associated entities will be required to report details of all receipts in their annual return for that year and beyond, with the following exceptions:

- ◇ While associated entities must report the total of all receipts, reporting of details of individuals is not required for amounts received for the supply of liquor or food under a liquor license (provided it is a reasonable consideration for the supply), or for the playing of gaming machines under a gaming license; and
- ◇ Also, from 1 July 2008, associated entities that receive \$1000 or more from the same person in a financial year are required to inform the person in writing of the person's obligation to lodge an annual return of donations.

Election returns

Election returns outlining donations received and expenditure on electoral matter are required following an ACT election from all candidates. The obligation to disclose details of donors for the 2008 election arose where a candidate received a donation (or a number of donations) from the same person during the period from 16 November 2004 to 17 November 2008; and the total value of the donations was:

- ◇ \$1500 or more during the period from 16 November 2004 to 30 June 2008; or
- ◇ \$1000 or more during the period from 16 November 2004 to 17 November 2008, if any donation was received on or after 1 July 2008.

This threshold was transitional for the 2008 election. For future elections the threshold for disclosure will be \$1000.

Candidate returns were due to be lodged by 2 February 2009. Returns were received from all candidates at the 2008 election.

Election returns of electoral expenditure are required from each registered political party. However, as the Free Range Party did not endorse candidates for the election, a return from that party was unnecessary. Returns were received from the other 8 registered parties. The returns by parties were due by 2 February 2009.

Donors to candidates are required to lodge returns outlining details of their donations, and, where those donors receive donations subsequently used to make donations to a candidate, details of the donations received must also be reported. The same transitional threshold described above for candidate returns also applied to donor returns for the 2008 election. Donor returns were due to be lodged by 2 February 2009. A total of 5 donor returns were received.

Broadcasters and publishers are also required to lodge returns of details of those who bought electoral advertising with respect to an ACT election. Following the 2008 election, 11 returns were received. The returns were due by 15 December 2008. Lastly, returns are also required from other organisations and individuals who incur electoral expenditure of more than \$1000 during the election period. These returns were also due by 2 February 2009.

All election returns received were made public on 6 April 2009.

Redistribution of electoral boundaries

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

The most recent redistribution of boundaries took place in 2007 and the boundaries determined were those used at the 2008 election.

One of the requirements imposed on the augmented Commission in making a redistribution is to endeavour to ensure, as far as practicable, that the number of electors in each electorate will be within the range of +/-5% of the relevant quota at the time of the next election.

The table below shows the actual enrolment figures for the 2008 election were within the +/-5% range but outside the projected variation of within +/-3.7%, estimated at the 2007 redistribution.

Table 17 - 2008 election actual enrolment compared to redistribution projected enrolment

Electorate	Estimated enrolment for polling day 2008 used during 2007 redistribution			Actual results for polling day 2008		
	Projected enrolment at redistribution	Projected quota	Projected variation from quota	Actual enrolment at election	Actual quota	Actual variation from quota
Brindabella	70,597	70,240	0.51%	71,394	71,609	-0.30%
Ginninderra	67,643	70,240	-3.70%	68,358	71,609	-4.54%
Molonglo	100,578	98,336	2.28%	103,719	100,252	3.46%
Total	238,818			243,471		

The next redistribution is due to commence as soon as practical after the third Saturday in October 2010.

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

Performance indicator summary

Objectives	Measures	Outcomes
Manage costs within budget allocations	Budget met	Expenditure exceeded budget by 9%
Maintain high staff satisfaction	Performance management feedback	High staff satisfaction reported
Manage and improve IT business systems	Absence of IT business systems failures	No IT business systems failures

KEY RESULT AREA 3.1

HUMAN RESOURCES MANAGEMENT

Continuous improvement

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

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

During 2008/2009, Elections ACT staff had several opportunities to undertake a range of learning and development activities (see **Learning and Development** on page 69).

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

In 2008/2009, Elections ACT staff held a number of planning sessions, focusing on finalising preparations for the 2008 election. Further planning sessions were held after the election to commence planning for the 2012 election, focussing on improvement.

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

All Elections ACT staff had a performance management plan for 2008/2009. The plans incorporated a formal review schedule, with one-on-one performance reviews.

For further information on human resources management in Elections ACT and in particular staff improvement and development opportunities, see pages 66 to 69.

KEY RESULT AREA 3.2

FINANCIAL MANAGEMENT

The Commission is included in the JACS portfolio for budgetary purposes. However, the Commission continues to manage and monitor its internal operating budget performance. In 2008/2009, the Commission's expenditure was over budget by approximately \$262,000.

Analysis of the Commission's budget performance in 2008/2009 is included above under **Management discussion and analysis** on page 14.

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

See **Financial report** on page 16 for more information on the Commission's finances.

KEY RESULT AREA 3.3

RECORDS MANAGEMENT

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

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

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

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

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

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

Elections ACT relocated to permanent accommodation in February 2009. As part of this process, a review of all onsite files was completed. In accordance with the Elections ACT disposal schedule, several files were destroyed and several files were returned to ACT Registry.

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

Table 18 - 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.

The 2008 election saw the greatest use of ICT innovations for elections for the ACT Legislative Assembly. These included the introduction of electronic electoral rolls for marking the names of voters in all polling places, the introduction of electronic scanning of handwritten preferences on paper ballots, and the extension of electronic voting to around 1 in 5 of all ACT voters. The 2008 election also saw the first use in Australia of on-line applications for postal votes for a parliamentary election. The Elections ACT information program also relied heavily on ICT systems in the tally room and the Elections ACT website. ICT was also used extensively in back office applications and in provision of interactive training material for polling officials.

These various innovations are discussed further in the Commission's **Report on the ACT Legislative Assembly Election 2008**.

In its post-election review, Elections ACT noted that its election-critical ICT systems were aging and required redevelopment to make them operational for future elections. Accordingly, Elections ACT asked for and received additional budget funding in the lead-up to the 2012 election to upgrade its election ICT systems.

The 2009/2010 ACT Budget included funding for a 4-year program of re-development of all of the Elections ACT ICT systems. The redevelopment of the electronic voting and counting system, eVACS®, will be a major component of that program. In particular, the redevelopment program will ensure that electronic voting will be compatible with contemporary hardware. The election results system will also be redeveloped for the 2012 election using accepted project tools and methodology, with the aim of making the system more robust.

ICT resources

InTACT, the ACT Government information technology management agency, continued to provide ICT resources to Elections ACT in 2008/2009.

Internet

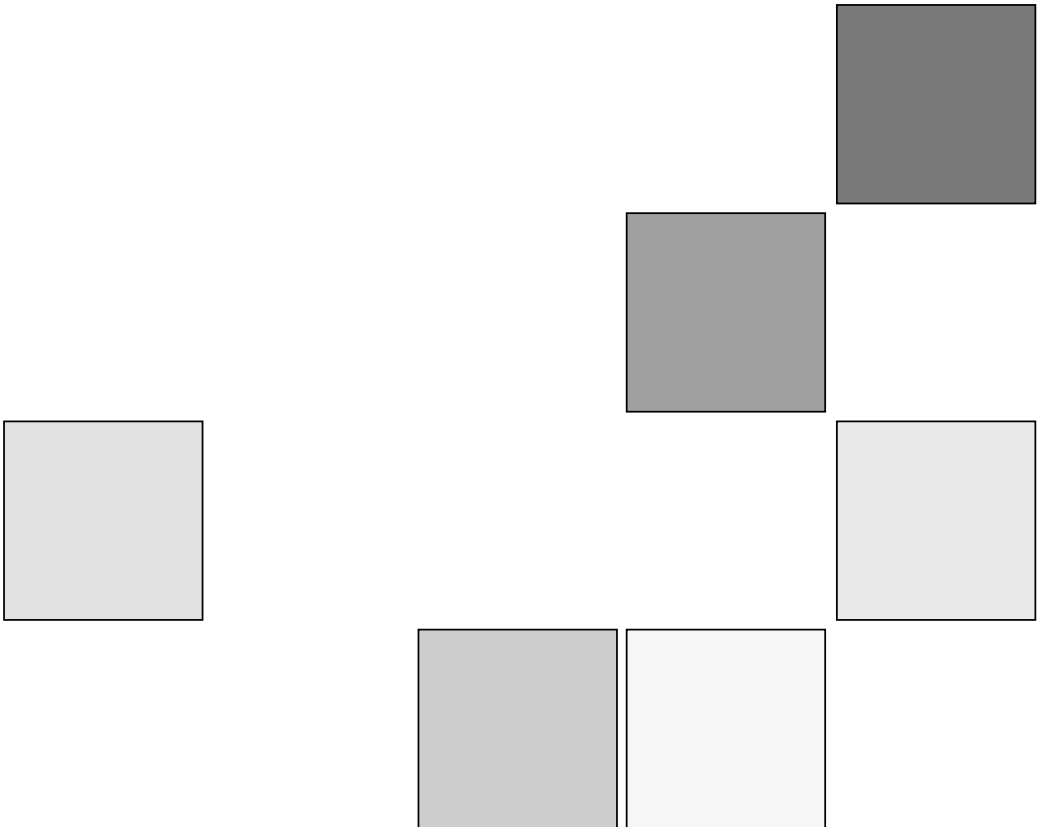
Elections ACT continued to maintain and update the Elections ACT website during 2008/2009, with all work being completed in-house. The Elections ACT website address is **www.elections.act.gov.au**.

For more detail on the Elections ACT website see **Information service** on page 35.

Part B

Consultation and scrutiny reporting

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Community engagement

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

In a sense, an ACT Legislative Assembly election can be taken to be a community consultation process. At the 2008 Assembly election, Elections ACT facilitated the process whereby over 220,000 ACT citizens chose their elected representatives in the Assembly.

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 electoral boundaries redistribution process undertaken in the lead-up to every ACT Legislative Assembly election is one of the most significant community consultation activities carried out by the Commission in the election cycle. The next redistribution process is expected to commence in 2010/2011. See **Redistribution of electoral boundaries** on page 48.

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 45.

Elections ACT also consulted with stakeholders through its Electronic Voting and Counting System Reference Group, consisting of representatives of political parties, MLAs and other special interest groups. The Commissioner convened this group during the lead-up to the 2008 election to consider the improvements made to the electronic voting and counting system following the 2004 election, and the new scanning of ballot papers system. Reference Group members expressed satisfaction with the electronic voting, scanning and counting systems.

Internal and external scrutiny

The Commission was not subject to significant internal or external scrutiny in 2008/2009, other than the standard procedures that applied during the 2008 election. During an election the Commission is subject to close scrutiny from the media, the public, candidates and political parties. In particular, the conduct of the polling and the various counts of ballot papers are subject to close scrutiny by scrutineers representing candidates, who may challenge the interpretation of preferences and the admissibility of votes.

Legislative Assembly Committee inquiries & reports

The Commission made submissions to the following Legislative Assembly Committee inquiries in 2008/2009:

- ◇ The inquiry by the Select Committee on the Government Agencies (Campaign Advertising) Bill 2008 into the Government Agencies (Campaign Advertising) Bill 2008; and
- ◇ The inquiry by the Standing Committee on Administration and Procedure into the appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT.

Neither of these committees had reported on these inquiries as at 30 June 2009.

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

- ◇ The Select Committee on Estimates; and
- ◇ The Standing Committee on Legal Affairs in relation to the Commission's 2007/2008 annual report.

Legislation report

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

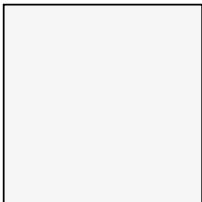
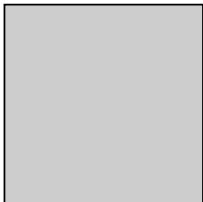
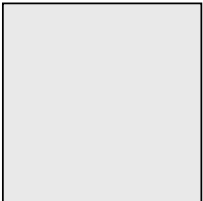
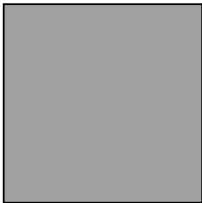
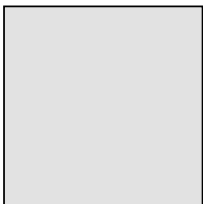
- ◇ *Electoral Act 1992*;
- ◇ *Electoral Regulation 1993*;
- ◇ *Referendum (Machinery Provisions) Act 1994*;
- ◇ *Proportional Representation (Hare-Clark) Entrenchment Act 1994*;
- ◇ *Health Professionals Regulation 2004*; and
- ◇ *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

The Commission's role in providing advice on amendments to this legislation is discussed above at **Electoral Legislation** on page 37.

Part C

Legislative and policy based reporting

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Risk management & internal audit

Under the direction of the Electoral Commissioner, Elections ACT undertakes risk management assessments for all its major projects and contracts. The Commission takes a strategic interest in these assessments where they bear on its statutory duties. During the reporting period the Commission and Elections ACT continued the task of assessing risks for new processes that were introduced for the 2008 ACT election.

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 2008/2009:

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

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

Detection strategies

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

There were no reports or allegations of fraud or corruption received in 2008/2009.

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 2008/2009 no public interest disclosures related to the Commission were lodged.

Freedom of information

Section 7 statement

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

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

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

Establishment and powers

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

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

Arrangements for external participation

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

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

Documents

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

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

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

The following documents are available for inspection and purchase:

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

The documents listed under **Publications** on page 35 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 available on the Elections ACT website **www.elections.act.gov.au**.

Section 8 Statement

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

Section 79 Statement

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

The Commission did not receive any FOI requests in 2008/2009, nor were any FOI matters outstanding at 1 July 2008.

Contact officer

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

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

Telephone: (02) 6205 0033

Fax: (02) 6205 0382

Or write to:

PO Box 272, Civic Square ACT 2608

Or email:

elections@act.gov.au

Website:

www.elections.act.gov.au

Internal accountability

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

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

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

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

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

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

The Commission's management structure is described under **Organisational Structure** on page 4. Details of the Commission's corporate and operational plans can be found at **Corporate Plan 2006-2009** on page 5. Details of the Commission's performance reporting arrangements can be found at **Performance indicators** at page 6.

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

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

Human resources performance

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

There were no changes to the number of permanent staff employed by Elections ACT in 2008/2009. However, Elections ACT expanded its workforce in the lead-up to, through and following the 2008 Legislative Assembly election period. This expansion in the workforce enabled Elections ACT to undertake the many tasks involved in the conduct of an election. During the year, one new staff member was appointed to a permanent position in Elections ACT to replace a staff member who had transferred to another agency, and another staff member was appointed on contract to replace a permanent staff member who had transferred to another agency.

An additional staff member was appointed on short-term contract from April to July 2008 to conduct the Aboriginal and Torres Strait Islander Elected Body election.

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

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

The following table sets out the staff employed by Elections ACT to conduct the 2008 election. As some employees worked in more than one capacity, these employees may be listed in more than one category in this table.

Table 19 - Staff employed during the 2008 election

Position	Number employed
Statutory officer holders	3
Permanent Public Sector Management Act staff	4
Contract Public Sector Management Act staff	6
Senior casual staff – head office	10
Casual staff – head office	68
Polling area managers	7
Officers in charge of polling places	79
Seconds in charge of polling places	83
Other polling day polling officials	519
Mobile polling officials	6
Pre-poll voting officials	55
Bilingual educators	6
Total	846

Staffing profile

The following tables set out details of permanent staff employed during 2008/2009, including the Electoral Commissioner. As required by the annual report directions, the figures presented are as at pay 26, 24 June 2008. The tables do not include the 2 part-time Commission Members or the various casual and temporary staff employed during the year to assist with the conduct of the 2008 election and other elections.

Elections ACT staffing profile

Table 20 - Full Time equivalent and headcount

	Male	Female
FTE by Gender	2.80	2.57
Headcount by Gender	3	3
% of Workforce	50%	50%

Table 21 - Employment type

Permanent	Temporary	Casual
5	1	0

Table 22 - Classifications

Classification Group	Female	Male	Total
Administrative Officers	3	1	4
Executive Officers		1	1
Senior Officers		1	1
TOTAL	3	3	6

Table 23 - Employment category by gender

Employment Category	Female	Male	Total
Casual			
Permanent Full-time	2	2	4
Permanent Part-time	1		1
Temporary Full-time			
Temporary Part-time		1	1
TOTAL	3	3	6

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

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

Table 25 - Total average length of service by gender

Gender	Average length of service
Female	9.8 years
Male	8.6 years
Total	9.2 years

Table 26 - Age profile

Age Group	Female	Male	Total
<20			
20-24			
25-29	1		1
30-34		1	1
35-39	1		1
40-44			
45-49		1	1
50-54	1		1
55-59		1	1
60-64			
65-69			
70+			
Total	3	3	6

Table 27 - Agency profile

Branch/Division	FTE	Headcount
	5.37	6
Total	5.37	6

Table 28 - Agency profile by employment type

Agency	Permanent	Temporary	Casual
ACT Electoral Commission	5	1	0
Total	5	1	0

Table 29 - Equity and workplace diversity

Indigenous Status	0
Indigenous Percentage	0.0%
English as a Second Language (ESL)	1
ESL Percentage	16.7%
Staff with a Disability	0
Disability Percentage	0.0%
Women	3
Women Percentage	50%
Total Paid Headcount	6

Learning and development

During 2008/2009, 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.

Learning and development opportunities undertaken in 2008/2009 are shown in the following table.

Table 30 - Elections ACT learning and development activities

Staff Members	Course/seminar/development opportunity
Executive	Funding and disclosure conference
	Personal coaching
	Public sector service delivery conference
	InDesign Level 1
	Illustrator Level 1
Senior Officer	Ballot paper scanning training
Administrative Service Officers Class 6	CPR refresher course
	Ballot paper scanning training
	Funding and disclosure conference
	InDesign level 1
	Illustrator level 1
Administrative Service Officers Class 5	Electoral Educators Network conference
	Fire warden training
	Bachelor of primary education
	Personal achievement & development training

From September to December 2008, Elections ACT employed a Graduate Administrative Assistant on her third and final rotation of the 2008 ACTPS Graduate Program.

The following table outlines Whole of ACT Government learning and development initiatives:

Table 31 - Whole of Government learning and development initiatives

L&D initiative	No. of participants
ACTPS Graduate Program	1
Take the Lead Program	-
Future Leaders Program	-
Executive Development Program	1
PSM Program	-

Workplace health and safety

In all of its activities Elections ACT gives careful consideration to occupational health and safety (OH&S) principles and practices. Elections ACT has adopted the JACS OH&S policy and has access to JACS OH&S representatives. During 2008/2009, Elections ACT staff also participated in JACS health and wellbeing programs including the health expo.

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

Elections ACT has two fire wardens, one designated first aid officer and one deputy health and safety representative who participates in the designated working groups.

A number of OH&S initiatives were undertaken during the 2008 election period including:

- ◇ senior polling staff completed checklists to identify and resolve any OH&S issues when setting up their polling places;
- ◇ first aid kits were supplied to all polling places;
- ◇ during shifts of ballot paper scanning and data entry, staff participated in regular hourly group stretching sessions.

There were no workers compensation claims during the reporting period.

Workplace relations

Collective agreements

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

Australian Workplace Agreements

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

Special Employment Arrangements

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

Strategic asset management

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

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

Capital works

The Commission did not undertake any capital works projects in 2008/2009.

Government contracting

Procurement principles and processes

The processes used to select and manage all contractors during 2008/2009 complied with the *Government Procurement Act 2001* and the ACT Government Procurement Principles and Procurement Circulars.

External sources of labour and services

In 2008/2009, the Commission engaged the contractors listed in the following table to provide services that exceeded \$20,000. All of these services related to the 2008 election.

In addition to the following contracts, a further \$26,700 was spent on services involving contracts of less than the \$20,000 reporting threshold. These services were for market research for the 2008 election and election cardboard equipment. In total, expenditure on external services was \$506,115.

Table 32 - External sources of labour and services 2008/2009

Name of Contractor	Description of Contract	Cost \$
Australian Electoral Commission	Provision of close of rolls, preliminary scrutiny, pre-poll votes and silent elector voting pack	\$22,845
Blue Star Print	Printing of ballot papers and electronic voting barcodes	\$72,341
BMM Compliance	Audit services for eVACS® and scanning systems	\$42,000
HMA Blaze	Advertising services	\$132,586
Ned Noel Software	Modifications of election database systems	\$32,863
SEMA	Scanning of ballot papers	\$104,728
Software Improvements	Modification of electronic voting and counting system; Modification of electronic electoral roll system using handheld PDAs	\$72,052

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 52.

Human Rights Act 2004

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

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

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

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

Commissioner for the Environment

The Commission did not contribute to the *State of the Environment Report* in 2008/2009. The Commission has not been the subject of an investigation or recommendations made by the Commissioner for the Environment.

ACT multicultural strategy

Elections ACT has integrated the key themes of the *Multicultural Strategy 2006-2009* into its strategic and operational planning processes insofar as they are relevant. This strategy addresses the needs of Australians from culturally and linguistically diverse backgrounds and members of the ACT community who have a disability.

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

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

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

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

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

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

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

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

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

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

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.

Elections ACT had previously provided advice to the ACT Government on development of this legislation and had conducted the election and the count. The Commission presented a report on the election to the Minister for Indigenous Affairs on 4 July 2008.

The first election for the Elected Body was conducted by Elections ACT in May-July 2008 (see **Aboriginal and Torres Strait Islander Elected Body election** on page 31). The next election is due to be held in 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 are very mindful of waste management. Elections ACT staff adhere to the following environment-friendly practices:

- ◇ Power to computers, printers, photocopier and lights is turned off every night;
- ◇ 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.

Elections ACT has registered to be a part of the ACT OfficeSmart active recycling program, as a way to further reduce landfill waste. This program will commence in August 2009.

The provision of computer voting and computerised electoral rolls lead to a reduction in the use of paper products during the 2008 election period. In particular, the use of the electronic rolls used in polling places replaced the printing of approximately 200,000 sheets of paper.

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

Table 24 - Ecologically sustainable development data

	Indicator as at 30 June	Unit	2008-09	
	General			
A	Occupancy – office staff full-time equivalent	Numeric (FTE)	6.00	
B	Area office space – net lettable area ¹	Square metres (m2)	160.00	
	Floor area per person (B / A)	Square metres / FTE	26.67	
	Stationary energy use			
C	Electricity use, total (Office Tenant Light & Power + Central Services) ²	Kilowatt hours (kWh)	7,761.00	
	Electricity use, total (energy MJ = kWh X 3.6)	Megajoules (MJ)	27,939.60	
	Electricity - Office Tenant Light and Power (70% of total electricity use) ³	Kilowatt hours (kWh)	5,432.70	
D	Electricity - Office Tenant Light and Power (energy MJ = kWh X 3.6)	Megajoules (MJ)	19,557.72	
E	Gas use (Central Services - building total) ²	Megajoules (MJ)	22,215.91	
	Total office energy use	Megajoules (MJ)	50,155.51	
	Renewable energy use (GreenPower)			
F	Renewable energy use (GreenPower) ²	Kilowatt hours (kWh)	2,328.30	
	Percentage of renewable energy used (F/ C x 100)	Percentage (%)	30.00	%
	Intensities (office)			
	Energy intensity (Office Tenant Light & Power) per FTE (D / A)	Megajoules / FTE	3,259.62	
	Energy intensity (Office Tenant Light & Power) per m2 (D / B)	Megajoules / m2	122.24	
	Energy intensity (Gas) per FTE (E / A)	Megajoules / FTE	3,702.65	
	Energy intensity (Gas) per square metre (E / B)	Megajoules / m2	138.85	
	Transport Energy		Office	Other
	Total number of vehicles ⁴	Numeric	N/A	x
	Transport fuel (Petrol)	Kilolitres (kL)	N/A	x
	Transport fuel (Diesel)	Kilolitres (kL)	N/A	x
	Transport fuel (LPG)	Kilolitres (kL)	N/A	x
	Transport fuel (CNG)	Kilolitres (kL)	N/A	x
	Transport fuel (Aviation)	Kilolitres (kL)	N/A	x
G*	Total transport energy use	Gigajoules (GJ)	N/A	x
	Water consumption			
	Water use (total) ²	Kilolitres (kL)	47.53	
H	Water use (office)	Kilolitres (kL)	47.53	
	Intensities (office)			
	Water use per FTE (H / A)	Kilolitres / FTE	7,921.67	
	Water use per square metre floor area (H / B)	Kilolitres / m2	297.06	
	Waste			
	Estimate of waste to landfill (Co-mingled) ⁵	Kilolitres (kL)	0.17	
I	Estimate of putrescible waste (Food and organic matter) ⁶	Kilolitres (kL)	N/A	
J	Estimate of waste paper to landfill (Paper) ⁶	Kilolitres (kL)	N/A	
K	Total office waste	Kilolitres (kL)	0.17	
L	Reams of paper used (carryover stock + total year order - remainder)	Reams	60.00	

M	Total of waste paper recycled ⁷	Tonnes	0.49
N*	Total waste greenhouse gas emissions ⁸	Tonnes CO2-e	0.04
Resource Efficiency			
	Estimate of putrescible waste per FTE (I / A) ⁶	Litres / FTE	N/A
	Reams of paper used per FTE (L / A)	Reams / FTE	10.00
	Percentage of paper recycled (M / (M + K) x 100)	Percentage (%)	N/A %
	Estimate of total office waste per FTE (K / A)	Tonnes / FTE	0.03
Office Greenhouse Gas Emissions*			
	Direct greenhouse gas emissions (Scope 1) ⁸	Tonnes CO2-e	1.14
	Indirect greenhouse gas emissions (Scope 2) ⁸	Tonnes CO2-e	4.87
	Other indirect greenhouse gas emissions (Scope 3) ⁸	Tonnes CO2-e	1.25
O*	Office greenhouse gas emissions (All Scopes)	Tonnes CO2-e	7.26
Transport Greenhouse Gas Emissions*			
	Direct greenhouse gas emissions (Scope 1) ⁴	Tonnes CO2-e	N/A
	Indirect greenhouse gas emissions (Scope 2) ⁴	Tonnes CO2-e	N/A
	Other indirect greenhouse gas emissions (Scope 3) ⁴	Tonnes CO2-e	N/A
P*	Total transport greenhouse gas emissions (All Scopes)	Tonnes CO2-e	N/A
Greenhouse Gas Intensities			
	Office greenhouse gas emissions per FTE (O / A)	Tonnes CO2-e / FTE	1.21
	Office emissions per square metre (O / B)	Tonnes CO2-e / m2	0.05
	Transport greenhouse gas emissions per FTE (P / A)	Tonnes CO2-e / FTE	N/A
* = calculated with information entered into OSCAR			

Notes

1. According to the ACT Property Group, the Commission's occupancy is 1.94% of the total North Building office space.
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.
3. Using the industry standard split, electricity use has been broken down into 30% Central Services (heating, ventilation and air conditioning) and 70% for office tenant light and power.
4. The Commission does not have an executive or fleet vehicle.
5. The co-mingled waste data was calculated as a percentage (1.94%) of the total North Building usage. This is based on 1 x 720litre bin emptied once a month. 720L x 12months = 8640litres. 1.94% of 8640litres = 167.62litres
6. There are no processes in place at the North Building to record the amount of putrescible waste or paper waste that is sent to landfill.
7. RECALL secure destruction services provided the paper recycling figures in a sustainability report.
8. The emissions data was calculated using the Australian Government Department of Climate Change 'Online System for Comprehensive Activity Reporting' (OSCAR) for tracking energy and greenhouse data.

ACT Women's Plan

The ACT Women's Plan 2004-2009 sets out the ACT Government's vision for working with the community to improve the status of all women and girls, and provides a shared approach for working towards this vision across ACT Government agencies.

Two of the objectives set out in the Women's Plan are related to the work of the Commission: Representation and Recognition; and Safe, Inclusive Communities.

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 2009, there were 245,024 electors on the electoral roll aged 18 and over; 126,167 were women (estimated to be 98.2% of the eligible population) and 118,857 were men (estimated to be 95.8% 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.

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