



ACT Electoral Commission

Annual
Report
1996-97



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Part A — Highlights of the 1996/97 Year

The year in review

This is the fifth Annual Report of the Australian Capital Territory Electoral Commission (the Commission). It covers the period 1 July 1996 to 30 June 1997.

Many of the activities undertaken during the year focused on preparations for the 21 February 1998 general election for the ACT Legislative Assembly. The Commission also conducted several smaller elections and had considerable input into devising improved methods for keeping electoral rolls up to date, through the Australian Joint Roll Council.

Significant activities undertaken by the Commission in 1996/97 are listed below.

- The Commission conducted two count-backs to fill casual vacancies in the Legislative Assembly in January and February 1997.
- Through his membership of the Australian Joint Roll Council, the ACT Electoral Commissioner contributed to the conduct of a pilot study in Queensland into alternative methods of keeping the electoral rolls up to date.
- In preparation for the 21 February 1998 election, the Commission reviewed its election procedures, manuals and equipment needs. In particular, the Commission commenced work on a computerised system for issuing and receiving postal votes.
- The Commission selected an advertising agency, Grey Advertising, and a public relations company, Michels Warren, to assist it with the public information campaign for the 1998 election.
- The Commission assisted the Government with passage of the *Electoral Applications Act 1996* and the *Electoral (Amendment) Act 1996*. These two Acts brought the ACT's funding and disclosure scheme into line with recent changes to the Commonwealth scheme.
- The Commission continued to conduct mock Hare-Clark elections and educational seminars for school and community groups.
- The Commission conducted five elections under the *Health Professions Boards (Elections) Act 1980*.
- The Commission conducted its first elections on a fee-for service basis in 1996/97. The Commission conducted the Hare-Clark scrutinies for elections for the Australian National University's Council and Students' Association. The Electoral Commissioner was also Returning Officer for an election for Board Members of ACG Super, a superannuation trust fund.
- The Commission gained further experience in the Hare-Clark electoral system by assisting with the conduct of the 1996 Tasmanian Local Government elections.
- The augmented Electoral Commission concluded the regular redistribution of electoral boundaries in September 1996. The augmented Commission determined that there would be no change to the electoral boundaries for the 1998 election.

Overview of the Electoral Commission

The ACT Electoral Commission consists of a Chairperson, the Electoral Commissioner and a third Member. The Electoral Commissioner is also the Chief Executive Officer of the Commission and has Chief Executive powers in relation to staff employed to assist the Commissioner under the *Public Sector Management Act 1994*.

The Attorney General is the Minister responsible for electoral matters and the Commission is attached to the Attorney General's Department for administrative purposes. In the departmental structure the Commission is included as Output Class 8, Output 8.1 Electoral Services.

A performance report against the performance measures set out in the 1996/97 budget papers for Output 8.1 Electoral Services follows in the next section of this report.

Description of activities

The ACT Electoral Commission is an independent statutory authority with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly and for the provision of electoral advice and services to a wide range of clients. Its main responsibility is to the electors of the ACT. This responsibility is reflected in the Commission's primary corporate goal which is to "conduct high quality elections and referendums" and in its third corporate goal which is to "achieve increased public understanding of, and participation in, the electoral process".

Another major function of the Commission is the redistribution of electoral boundaries between elections. The Commission completed a redistribution in September 1996.

The Commission 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 Service Agencies, the media and special interest groups.

Some of the other tasks for which the Commission is responsible include monitoring the accuracy of the roll, electoral education, maintaining the party register and the funding and disclosure scheme, and conducting elections for ACT Health Professions Boards.

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 Acts:

- Electoral Act 1992;
- Referendum (Machinery Provisions) Act 1994; and
- Health Professions Boards (Elections) Act 1980.

Administrative structure

The three Members of the Electoral 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.

The Commissioner is assisted by three permanent officers employed under the Public Sector Management Act. These are the Deputy Electoral Commissioner (Senior Officer Grade C), the Project Officer (Administrative Services Officer Grade 6) and the Administration Officer (Administrative Services Officer Grade 4).

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.

The members of the Electoral Commission as at 30 June 1997 were:

Mr Graham Glenn *Chairperson*

Appointed 17 May 1994 for 5 years

Mr Phillip Green *Electoral Commissioner*

Appointed 23 September 1994 for 5 years

Dr Christabel Young *Member*

Appointed 17 May 1994 for 5 years

TABLE 1 — Members of the ACT Electoral Commission

Reporting outcomes against performance indicators set out in 1996/97 budget papers

This section reports on the Commission's performance in 1996/97 in terms of the following performance indicators set out in the 1996/97 budget papers.

Output Class: 8.1 Electoral Services		Price (\$'000): \$674.5	
Description:			
This output provides for:			
<ul style="list-style-type: none"> the conduct of elections and referendums and for the provision of electoral advice and services to a wide 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. the redistribution of electoral boundaries and other services including the maintenance of the party register, the funding and disclosure scheme, electoral education programs and the provision of electoral roll information. 			
Measures:	Target	Result	Variance
Quantity			
• Number of people on the electoral roll	201000	203157 ①	1%
• Number of votes issued for other State elections	1000	115 ②	-89%
Quality/Effectiveness			
• Elections and referendums will be conducted in accordance with the relevant legislation to the standards set out in the Electoral Commission's Strategic Plan.	100%	100% ③	0%
• Proportion of eligible citizens on the electoral roll.	95%	98.9% ④	4%
• Election turnout of enrolled voters.	90%	n/a ⑤	n/a
• The electoral roll contains accurate information.	90%	99% ⑥	10%
• The Electoral Commission provides a high quality service to its clients.	95%	100% ⑦	5%
Timeliness			
• Election results will be finalised within 3 weeks of polling day.	95%	100% ⑧	5%
Cost			
• Average cost per elector per year for the maintenance of the electoral roll.	\$0.63	\$0.64 ⑨	2%
Total Cost: (\$'000)	748	734	-1.9%

Notes on 1996/97 results:

- ① This is the ACT enrolment figure as at 30 June 1997. This figure is discussed later in this report under *Performance Assessment — Electoral roll maintenance*.
- ② This figure reflects votes taken for the general election in Western Australia and for the by-election for the New South Wales Electoral District of Port Macquarie. The target of issuing 1000 votes was based on votes issued in previous years and the number of elections expected to be held over the period. Achievement of this target varies depending on the number of by-elections that are called, the timing of general elections that do not have fixed dates, and the number of interstate voters that come to vote at the ACT Electoral Commission. This figure is discussed later in this report under *Performance Assessment — Interstate elections*.
- ③ Five Health Professions Boards elections, two countbacks to fill the casual vacancies in the electorates of Molonglo and Brindabella, and the ACG Super Trustee Director election were conducted by the Commission during the year. There is no formal system in place for this measure. Professional judgement based on operational experience was used to determine the result. The Commission's performance against its Strategic Plan is discussed in the following section of this report.
- ④ Estimated using information provided to the Australian Electoral Commission by the Australian Bureau of Statistics, as at March 1997. The result is a quantity measured by management. Working papers to support all figures in the calculation were incomplete. As discussed later in this report under *Performance Assessment — Electoral roll maintenance*, it is possible that this figure is inflated.
- ⑤ The election turnout target is only relevant to Legislative Assembly elections, for which voting is compulsory. No Assembly elections were held in 1996/97.
- ⑥ As calculated using Australian Electoral Commission statistics for the March 1996 election. This measure can only be accurately determined at the time of a general election.
- ⑦ For part of the period, no formal system was in place for this measure. Professional judgement based on operational experience was used to determine the result.
- ⑧ All Health Professions Boards elections and the ACG Super election were finalised within 1-3 days of the close of polling. The results of the countbacks to fill the casual vacancies in Molonglo and Brindabella were finalised within two to nine days of the close of applications for candidates contesting the casual vacancy.
- ⑨ This cost includes the cost of the joint roll payment to the Australian Electoral Commission and in-house costs for printing rolls for public display and for MLAs.

ACT Electoral Commission Strategic Plan 1996-98

This Strategic Plan for 1996-98 sets out the Commission's Goals, Aims and Strategies that it uses to achieve its mission. The Plan also sets out Performance Indicators to be used to evaluate the Commission's performance.

The corporate mission of the ACT Electoral Commission is:

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

GOAL ONE

Conduct high quality elections and referendums.

Aim	Strategies	Performance Indicators
To develop and implement operational systems and procedures that will ensure quality, cost-effective services.	<ul style="list-style-type: none"> ■ Develop and implement a human resource management strategy, focusing in particular on recruitment, training and development, remuneration, and technical support and systems. ■ Develop and implement a cost-effective physical resources strategy focusing in particular on accommodation requirements, ballot papers, forms (including design, printing, distribution and storage) and equipment. ■ Develop and implement a cost-effective integrated Information Technology strategy which will make specific election functions more accurate, user-friendly and streamlined. ■ Ensure that identified resources are cost-effectively allocated for elections and referendums. ■ Conduct post-election evaluations, prepare reports, and implement recommendations where necessary. ■ Recommend changes to legislation if required. ■ Assist other Electoral Authorities with the conduct of their elections. 	<p><u>For general elections and referendums</u></p> <ul style="list-style-type: none"> ■ The result of elections is known within three weeks of polling day. ■ Voter turnout is the same or better than the ACT average of 90%. ■ The results of exit poll surveys indicate that at least 90% of voters are satisfied with arrangements. ■ Pre-election phone polls indicate increased awareness of voters following our education campaigns. <p><u>Applicable generally</u></p> <ul style="list-style-type: none"> ■ We receive positive feedback from clients and staff through face-to-face interviews and debriefing sessions. ■ The cost of electoral services in the ACT is comparable with those of other State and Territory Electoral Authorities. ■ Absence of adverse findings that reflect on the performance of the Commission as a result of legal action.

GOAL TWO**Support the democratic process by providing professional assistance, advice and services related to electoral matters.**

Aim	Strategies	Performance Indicators
To ensure complete and accurate electoral rolls.	<ul style="list-style-type: none"> ■ Liaise with the Australian Electoral Commission in relation to the Joint Roll Arrangement. ■ Participate on the Australian Joint Roll Council to ensure roll quality and consistency. ■ Implement a media campaign prior to general elections and referendums to encourage up to date enrolment. ■ Monitor roll accuracy. 	<ul style="list-style-type: none"> ■ Number of declaration votes through roll inaccuracy is less than 1%. ■ Audits of electoral roll indicate that at least 90% of individual elector's information is accurate from an analysis of information gained from a variety of sources including in-house and Commonwealth sources. ■ Number of enrolled electors is 95% of the estimated eligible population (as measured by census data).
To provide accurate and timely advice to clients.	<ul style="list-style-type: none"> ■ Provide an information service — by correspondence, telephone and at the counter. ■ Brief the Minister as required. ■ Brief candidates, MLAs, and parties as required. ■ Maintain a register of correspondence. 	<ul style="list-style-type: none"> ■ All correspondence will be satisfactorily responded to within four weeks. ■ Positive feedback from clients. ■ All telephone enquiries satisfactorily responded to by the next working day.
To effectively undertake statutory requirements.	<ul style="list-style-type: none"> ■ Maintain the Party register. ■ Maintain the funding and disclosure Scheme. ■ Redistribute electoral boundaries. ■ Comply with Government-wide legislative requirements including FOI and privacy laws. 	<ul style="list-style-type: none"> ■ Level of compliance with the Electoral Act by candidates, parties and non-party groups through audits. ■ Timeliness and efficiency of the redistribution process. ■ Statutory deadlines are met.

GOAL THREE

Achieve increased public understanding of, and participation in, the electoral process.

Aim	Strategies	Performance Indicators
<p>To provide useful electoral information to the community that encourages participation in elections and referendums.</p>	<ul style="list-style-type: none"> ■ Maintain and improve an information program for school age children — by providing mock elections, school visits, running school elections for Students Representative Council, curriculum material, and in-servicing for teachers. ■ Maintain and improve an information program for community groups. ■ Implement media campaigns prior to elections and referendums. ■ Maintain a telephone information line. 	<ul style="list-style-type: none"> ■ Increase in demand for information and education programs as compared with the previous year. ■ Increase in request for running elections for Students Representative Council or School Parliament as part of the school program. ■ Level of awareness among the community as indicated by the result of pre- and post-poll surveys. ■ Decrease in unintentional informal voting. ■ Positive feedback from clients. ■ Increase in the level of enrolment.
<p>To develop an Access and Equity program.</p>	<ul style="list-style-type: none"> ■ Identify target groups and consult with key stake holders regarding their specific access and equity needs. ■ Implement a targeted information program that will meet identified needs. ■ Ensure clients with special needs are provided with appropriate assistance. 	<ul style="list-style-type: none"> ■ Number of electors who access non-English speaking background services provided for the 1998 election is greater than for the 1995 election. ■ Proportion of non-voters in target groups after the 1998 election is less than for the 1995 election. ■ Number of target group members reached by programs delivered. ■ Positive feedback from clients.

GOAL FOUR**Ensure best possible management practice.**

Aim	Strategies	Performance Indicators
To provide satisfying work and development opportunities for all staff.	<ul style="list-style-type: none"> ■ Foster a climate of positive feedback and open communication through performance agreements, regular appraisals and meetings. ■ Ensure that training and development plans are tailored to staff. ■ Develop an implementation plan that includes specific targets, milestones, actions and responsibilities. 	<ul style="list-style-type: none"> ■ Feedback from staff through regular meetings and performance agreements indicates that the aims are being achieved. ■ Extent to which training and development needs are identified as appropriate through performance agreements, and the extent to which training and development increase skills and job performance as indicated by performance assessments and post-course evaluation.
To foster an environment of continuous improvement.	<ul style="list-style-type: none"> ■ Observe best practice in comparable organisations and where possible implement appropriate change. ■ Monitor progress against the strategic plan on a yearly basis and modify the strategic plan as necessary. ■ Review and enhance operational systems and procedures for future elections and for referendums following each election. 	<ul style="list-style-type: none"> ■ The Commission's performance compares favourably with national and interstate benchmarks.
To ensure that financial management systems and procedures meet the Commission's and the Government's requirements.	<ul style="list-style-type: none"> ■ Maintain financial records. ■ Provide training to all staff in the use of relevant financial management systems. ■ Introduce a structured financial reporting system that will provide accurate and timely information to the Electoral Commission, the Department and the Minister. 	<ul style="list-style-type: none"> ■ Feedback from the Electoral Commission, the Department and the Minister. ■ Compliance with financial regulations as evidenced by the results of Government Audit Office audits. ■ All requests for financial reports and payments of accounts are completed by the required deadline.

GOAL FOUR — *continued*

Ensure best possible management practice.

Aim	Strategy	Performance Indicators
<p>To foster a culture that practises the principles of Industrial Democracy (ID), Equal Employment Opportunity (EEO), and Occupational Health and Safety (OH&S).</p>	<ul style="list-style-type: none"> ■ Adopt ACT Government Services (ACTGS) ID, EEO, and OH&S strategies. 	<ul style="list-style-type: none"> ■ Feedback from staff through regular meetings, and performance agreements indicates that the aims are being achieved. ■ Extent to which incidences of work-related illness and injury to staff occur. ■ Achievement of targets as specified in ACTGS EEO plan.

Achievements for 1996/97

Reporting outcomes against performance indicators set out in the Electoral Commission's Strategic Plan

This section reports on the Commission's performance in 1996/97 in terms of the Goals, Aims and Strategies of the Commission set out in the Strategic Plan. These outcomes are measured against the Performance Indicators set out in the Strategic Plan and other indicators of efficiency and effectiveness.

Goal I — Conduct high quality elections and referendums

The Commission's aim under this Goal is to develop and implement operational systems and procedures that will ensure quality, cost-effective services.

Review of the operation of the ACT electoral legislation following the 1995 election for the ACT Legislative Assembly

The Commission's review of the ACT electoral legislation following the 1995 election was tabled in the Legislative Assembly on 27 June 1996 by the Attorney General. The content of the review was discussed in the Commission's 1995/96 Annual Report.

As at 30 June 1997, the Assembly had yet to consider the Commission's review. The Commission is hopeful that the Assembly will consider the review and pass whatever amendments to the Electoral Act that it considers appropriate before the 1998 election.

Casual vacancies

Under the ACT's Hare-Clark system, casual vacancies are filled by recounting the ballot papers that contributed to the election of the vacating MLA. This process determines which candidate was the next most favoured candidate chosen by the voters who elected the vacating Member. Only those candidates still resident in the ACT who contested the original election and who indicate that they wish to contest the casual vacancy are considered in this process.

Two casual vacancies occurred in 1996/97, following the resignations of Australian Labor Party MLA Ms Rosemary Follett and Liberal Party MLA Mr Tony De Domenico.

PERFORMANCE ASSESSMENT — CLIENT FEEDBACK ON THE LEGISLATIVE REVIEW

- The Government and the Assembly had not responded to the Commission's review of the electoral legislation by 30 June 1997. An assessment of the review's effectiveness must await any response to the review made by the Government and/or the Assembly.

Filling the casual vacancy following the resignation of Ms Rosemary Follett MLA

On 13 December 1996 the Speaker of the ACT Legislative Assembly notified the Electoral Commissioner that Ms Rosemary Follett MLA had that day resigned her office as a Member for Molonglo.

The Electoral Commissioner published a notice in the *Canberra Times* on 20 December 1996 inviting unsuccessful candidates who stood for Molonglo to apply to contest the vacancy. A copy of that notice was also sent to the last known address of those candidates eligible to apply to contest the vacancy.

Six candidates applied to contest the casual vacancy by the closing date of 30 December 1996. A recount of the ballot papers counted for Ms Follett commenced on 6 January and ended on 8 January 1997. At the completion of the recount, with a quota for election of 3903 votes (calculated by dividing the total number of votes for the candidates by 2, adding 1 to the result and disregarding any remainder), Mr Simon Corbell had received 6586 votes.

The Electoral Commissioner declared Mr Simon Corbell elected to the ACT Legislative Assembly for the electorate of Molonglo on 9 January 1997.

The following table shows the results of the recount.

Candidate	Votes
Appleyard, Nicola Australian Democrats	301
Corbell, Simon Australian Labor Party	6586
Davis, Natasha The ACT Greens	315
Rattenbury, Shane The ACT Greens	258
Dunstone, Mark Moore Independents	139
Van Raay, Tina Moore Independents	206
Exhausted votes	622
Votes lost by fraction	3
Total votes	8430
Quota*	3903

TABLE 2 — Results of the countback to fill the casual vacancy following the resignation of Ms Rosemary Follett

*Note — the quota for election is calculated by dividing the total number of votes for the candidates by 2, adding 1 to the result and disregarding any remainder.

Filling the casual vacancy following the resignation of Mr Tony De Domenico MLA

On 30 January 1997 the Speaker notified the Electoral Commissioner that Mr Tony De Domenico MLA had that day resigned his office as a Member for Brindabella.

On 31 January 1997 the Electoral Commissioner invited unsuccessful candidates who stood for Brindabella to apply to contest the vacancy.

Six candidates applied to contest the casual vacancy by the closing date of 10 February 1997. A recount of the ballot papers counted for Mr De Domenico commenced on 10 February and ended on 11 February 1997.

For the first time in an ACT casual vacancy, no candidate received an absolute majority of votes after the initial allocation of the votes of the vacating MLA. Four of the six candidates were excluded before one of the two remaining candidates, Ms Louise Littlewood, received an absolute majority of the votes remaining in the count. The following table shows the results of the initial allocation of votes from Mr De Domenico.

Candidate	Votes
Bell, Charlie Australian Democrats	227
Parratt, Andrew The ACT Greens	142
Brooke, Sandie Liberal Party	2591
Littlewood, Louise Liberal Party	2753
Lowe, Brian Liberal Party	2100
Kobier, Margaret Independent	225
Exhausted votes	277
Votes lost by fraction	2
Total votes	8317

TABLE 3 — Results of the countback to fill the casual vacancy following the resignation of Mr Tony De Domenico

After preferences from excluded candidates were distributed, Ms Littlewood had 3893 votes and Ms Brooke had 3716 votes. The quota for election (calculated by dividing the total number of votes for the candidates remaining in the count by 2, adding 1 to the result and disregarding any remainder) was 3805.

The Electoral Commissioner declared Ms Louise Littlewood elected to the ACT Legislative Assembly for the electorate of Brindabella on 13 February 1997.

PERFORMANCE ASSESSMENT — CASUAL VACANCY RECOUNT

- The result of the recount to fill the casual vacancy following the resignation of Ms Follett was known less than two weeks after the close of applications.
- The result of the recount to fill the casual vacancy following the resignation of Mr De Domenico was known less than one week after the close of applications.

Interstate electoral services

In 1996/97 the Commission provided pre-poll voting facilities for the Western Australian State general election and the by-election for the New South Wales Electoral District of Port Macquarie.

This service is provided on a reciprocal basis. The electoral administrations of each State and the Northern Territory provide a similar service to ACT electors during ACT elections.

A Commission officer also assisted with the conduct of the 1996 Tasmanian Local Government elections. These elections were postal ballots using the Hare-Clark electoral system. The Tasmanian Electoral Office met the Commission's travel costs.

**PERFORMANCE ASSESSMENT —
INTERSTATE ELECTIONS**

- No additional costs were incurred by the Commission in providing a pre-poll voting service to interstate electors. Where the ACT is expected to provide services for large numbers of voters, casual staff are employed in the ACT by the “home” electoral authority.
- 115 votes were issued to interstate electors at the office of the Commission in this reporting period. This compares with 800 such votes issued in 1995/96. The 1996/97 outcome reflects the smaller number of elections held in that year. The “target” of 1000 interstate votes included in the budget papers proved to be an over-estimate.
- Issuing votes for other electoral jurisdictions and staff exchanges at election times provide valuable opportunities for training and benchmarking between jurisdictions.

Miscellaneous ACT elections

Health Professions Boards Elections

The *Health Professions Boards (Elections) Act 1980* provides for elections for eight Health Professions Boards for practitioners registered in the ACT. Elections are held roughly once every three years for each Board. A variation on the Hare-Clark electoral system is used where there is more than one vacancy. Six of the eight elections are relatively small, with eligible voter numbers ranging from around 60 to 240. The other two elections are relatively larger. The Medical Board has around 1700 registered voters and the Nurses Board has around 3800 registered voters. The elections are all voluntary postal ballots.

Details of Board elections completed in 1996/97 are provided in the following Table:

Board	Vacancies	Candidates	Ballot papers issued	Ballot papers returned
Medical	3	9	1727	401
Nurses	4	14	3840	777
Physiotherapists	3	3	Uncontested	Uncontested
Optometrists	1	1	Uncontested	Uncontested
Veterinary Surgeons	2	2	Uncontested	Uncontested

TABLE 4 — Health Professions Boards elections

Australian National University elections

In August 1996 the Commission assisted with the scrutiny of votes for an election for two members of the Australian National

University (ANU) Council. In September 1996 the Commission assisted with the scrutiny of votes for various elections for positions for the ANU Students’ Association. Both sets of elections use the Hare-Clark electoral system.

For the first time, the Commission charged for providing its services to the ANU under its power to provide services for determined fees.

The ANU Registrar was the returning officer for the elections, and was responsible for the conduct of the polling. The Commission only assisted with the scrutiny of votes for these elections.

ACG Super election

In March 1997 the ACT Executive amended the Electoral Regulations to list ACG (Archdiocese of Canberra and Goulburn) Super Pty Ltd as a prescribed organisation for the purposes of section 7 of the Electoral Act. This empowered the Commission to conduct an election for two trustee directors of ACG Super.

Unlike the ANU elections, the Electoral Commissioner was appointed as returning officer for the ACG Super election. Consequently, the Commissioner was responsible for inviting and receiving nominations and sending information packs and ballot papers to ACG Super members.

This election was conducted over April-June 1996 as a postal ballot. Around 2800 ballot papers were issued to members of ACG Super, of which 525 ballot papers were returned for scrutiny. Voting at the election was not compulsory.

PERFORMANCE — MISCELLANEOUS ACT ELECTIONS

- All miscellaneous elections undertaken were conducted on time and in accordance with the relevant legislation or rules.
- Both ANU and ACG Super expressed satisfaction with the Commission's work on the elections.
- These elections were conducted largely in-house thereby providing both efficiencies and effective staff training opportunities. However, it was considered more cost efficient to employ casual staff under supervision to collate the larger ballot mail-outs.
- In 1996/97 an agreement was reached with the Health Professions Boards for the costs associated with the elections to be met by the Boards.
- The Commission received payment of the relevant determined fees for the conduct of the elections for ACG Super and the ANU.

Benchmarking with other Australian electoral authorities

In 1996/97 the Australian Joint Roll Council (AJRC) progressed work on a set of benchmarks to facilitate comparisons between the various Australian electoral authorities.

The AJRC has chosen two areas of electoral performance as suitable for benchmarking between jurisdictions.

Voter turnout

The first measure is voter turnout. Each Commonwealth, State and Territory electoral authority has compared voter turnout for the last three general elections. This comparison indicates that the ACT has had the poorest turnout of all jurisdictions except the Northern Territory.

As reported in the Commission's previous two Annual Reports, the Commission considers that voter turnout at the last election was poor for a variety of reasons. These include:

- the fact that many ACT electors are absent from the ACT in February;
- the relatively poor state of the electoral rolls, as a roll review had not been conducted in 1994 by the Australian Electoral Commission;
- the lack of overseas and interstate media attention given to ACT elections; and
- continuing anti-self-Government sentiments.

The Commission is intending to implement a variety of measures to improve the turnout for the 1998 election. One significant measure will be a full ACT-wide review of the electoral rolls due to be completed before the rolls close for the election. The information strategy for the election will also be aimed at maximising turnout.

However, given that ACT elections will not be given the same national and international exposure as a Commonwealth election, it is anticipated that ACT turnout will be unlikely to equal or exceed Commonwealth turnout in the ACT.

Election costs

The other benchmark under consideration is election costs. Electoral authorities recognise that it is misleading to compare the total reported election costs across jurisdictions without heavy qualifications. For example, the Australian Electoral Commission does not include the cost of its permanent Divisional Office structure in its election costs, whereas the State and Territory electoral authorities do not have permanent returning officers or regional offices, so that these costs are generally included as election costs.

In order to allow cost comparisons across jurisdictions, AJRC members have agreed to provide costs for a common series of specific election activities. These include ballot papers, cardboard voting equipment, polling place staffing, advertising, public relations, direct mail, printing and scanning electoral rolls, scrutines, training and tally rooms.

As at 30 June 1997 this exercise was nearing completion.

PERFORMANCE ASSESSMENT — BENCHMARKING WITH OTHER ELECTORAL AUTHORITIES

- Benchmarking on voter turnout confirms that the ACT's performance is relatively poor. The Commission intends to improve this performance for the 1998 election.
- The benchmarking conducted to date on the cost of electoral services indicates that useful cost comparisons with other electoral bodies can be made by comparing specific election activities. It is expected that all AJRC members will be able to provide these costs for their most recent elections and for future elections.

Goal 2 — Support the democratic process by providing professional assistance, advice and services related to electoral matters

This Goal includes the following Aims:

- to ensure complete and accurate electoral rolls;
- to provide accurate and timely advice to clients; and
- to effectively undertake statutory requirements (such as maintaining the Party Register and the funding and disclosure scheme and undertaking redistributions of electoral boundaries).

Electoral roll maintenance

Joint roll arrangement

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

The ACT Electoral Commission pays the Australian Electoral Commission a yearly fee for maintaining the joint roll. In 1996/97, joint roll payments totalled \$125862, based on a cost per elector of \$0.6069. As at 30 June 1997 this cost per elector was being renegotiated with the AEC with a view to reducing it.

Australian Joint Roll Council

The Australian Joint Roll Council (AJRC) is a consultative council of Electoral Commissioners and Chief Electoral Officers from the electoral authorities of the Commonwealth, States and Territories.

In 1995/96 the AJRC commissioned a report into alternatives to the existing method of reviewing the electoral rolls through "habitation reviews" — the process where electoral field staff visit the majority of households in a State or Territory on average every two years.

The report, prepared by Australian Strategic Planning Pty Limited, noted that the existing habitation review process was inefficient, and recommended that the electoral rolls be reviewed through a process labelled Continuous Roll Update (CRU). The proposed CRU method would use a variety of sources of information to keep the rolls up to date.

The Electoral Commissioner served on an AJRC Committee overseeing a pilot study trialing some CRU practices in Queensland. This pilot study concentrated on sending enrolment forms and letters to persons lodging mail redirection requests with Australia Post. The pilot study found this to be an effective method of generating new and updated electoral enrolments, but also found that other measures were needed to supplement this approach to ensure the rolls were effectively kept up to date.

On 19 June 1997 the AJRC agreed to establish a CRU Implementation Committee, with responsibility for further investigation of the CRU process. The ACT Electoral Commissioner is a member of this Committee.

It is unlikely that full-scale CRU activities will be implemented in the ACT prior to the 1998 election. However, it is anticipated that improved methods for keeping the electoral rolls up to date will be introduced before the following ACT election.

Electoral roll review

The Joint Roll Arrangement includes a requirement that the Australian Electoral Commission (AEC) conduct an electoral roll review at least once every two years. A partial roll review was conducted in early 1997 in growth areas in preparation for the Commonwealth redistribution of House of Representatives electoral boundaries. It was agreed that a full roll review would be held in the second half of 1997 to update the rolls prior to the 1998 ACT election.

The full roll review will identify electors who have left the ACT but have not updated their enrolment. These electors' names will be removed from the rolls by objection action, which should result in an improved voter turnout figure.

In anticipation of the Constitutional Convention election (which at 30 June 1997 had failed to pass the Senate), the AEC conducted two other roll review activities by post in 1997. These included a letter sent to all addresses identified in the AEC's roll database that did not show any person currently enrolled, and a letter to persons identified as recently moving address through having lodged redirection notices with Australia Post. Insufficient time after these mail-outs had elapsed as at 30 June 1997 to judge their effectiveness.

PERFORMANCE ASSESSMENT — ELECTORAL ROLL MAINTENANCE

- At 30 June 1997 there were 203157 electors on the ACT electoral roll. Figures provided by the Australian Bureau of Statistics in relation to the 1997 Commonwealth ACT redistribution indicated that 98.9% of the eligible ACT population was on the electoral roll. This compares favourably with the target of 95% set out in the Strategic Plan. However, it is probable that this outcome is not as favourable as it appears, as it is likely that the roll is inflated by electors who have left the ACT without updating their enrolment. The roll review to be conducted in late 1997 and the 1998 election will give a more reliable picture of the accuracy of the ACT roll.
- The most significant cost to the ACT of maintaining the electoral roll is the fee paid to the Australian Electoral Commission under the Joint Roll Arrangement. This is paid on a per elector basis and indexed to the CPI. For 1996/97 the cost per elector paid by the ACT was \$0.6069. This cost continues to be lower than that for any other State or Territory with a similar Joint Roll Arrangement (that is, all States and Territories except Western Australia and South Australia).

Advice to Government on electoral legislation

The Commission continued to provide advice to the Attorney General electoral matters during the year. In particular, the Commission participated in development of the *Electoral (Amendment) Act 1996*.

Electoral (Amendment) Act 1996 and the Electoral Application Act 1996

Amendments were made to the Electoral Act in 1996 to bring the ACT's election funding and financial disclosure law into line with the Commonwealth.

Prior to the *Electoral (Amendment) Act 1996* being debated the *Electoral Application Act 1996* was passed by the Legislative Assembly on 26 September 1996. This Act allowed for the due date for annual returns of parties and Independent MLAs to be deferred until December so that the amendments to the funding and disclosure scheme would apply to the 1995/96 annual returns.

On 21 November 1996 the Legislative Assembly passed the *Electoral (Amendment) Act 1996*.

The Act provided for:

- simplification of the reporting requirements imposed on registered political parties and Independent MLAs;
- an option for parties to fulfil their ACT obligations by submitting a copy of their Commonwealth annual returns to the ACT Electoral Commission;
- changes in the due dates for returns;
- the requirement for associated entities, organisations controlled by one or more registered political parties or by an Independent MLA which operate wholly or mainly for the benefit of one or more registered political party or an independent MLA, to submit annual returns of donations, expenditure and debt;
- annual returns for persons who donate more than \$1500 to parties and Independent MLAs;

- election returns for political parties; and
- automatic payment of election funding to those parties, non-party groups and candidates who reach the 2% threshold of first preference votes.

Implementation of the changes to the funding and disclosure scheme will considerably reduce the administrative burden placed on registered parties and independent MLAs in relation to funding and disclosure.

Electoral (Amendment) Bill (No. 2) 1996

On 24 August 1997 Independent MLA Michael Moore presented the *Electoral (Amendment) Bill (No. 2) 1996* to the Assembly. The bill proposed extending the fixed three year term for the Legislative Assembly to a fixed four year term with elections to be held in October. The Bill also provided that the proposed election date in October be implemented after the February 1998 election so that the extended life of the Assembly would not apply to the current Assembly.

The Commission briefed the Attorney-General on this Bill after it was presented to the Assembly.

The Assembly debated the bill on 4 September 1996 and 4 December 1996. The debate was adjourned and as at 30 June 1997 debate had not been resumed.

**Commonwealth Law and Justice
Legislation Amendment Act 1997**

On 17 April 1997 the *Law and Justice Legislation Amendment Act 1997* received royal assent. This Act made amendments to Commonwealth legislation to ensure that there could be no appeals to the Federal or High Court from the Supreme Court sitting as the Court of Disputed Elections for ACT Legislative Assembly elections. These amendments bring the ACT into line with other States and the Commonwealth and are based on the principle that disputed elections should be dealt with conclusively so that the operation of the Parliament is not frustrated by lengthy court processes.

**PERFORMANCE ASSESSMENT — ADVICE
TO GOVERNMENT ON ELECTORAL
LEGISLATION**

- Feedback from the Attorney-General's Office indicates satisfaction with the Commission's work in relation to legislation.

**Provision of advice to other
clients**

In 1996/97 the ACT Electoral Commission responded to a wide range of requests for advice from the general public and other clients. The Fraser by-election in particular generated significant levels of telephone and counter enquiries.

The Commission reviewed its Customer Commitment Statement during the reporting period to ensure that services continue to be provided in a relevant and timely manner.

**PERFORMANCE ASSESSMENT —
PROVISION OF ADVICE TO OTHER CLIENTS**

- The Commission's correspondence records indicate that all correspondence sent to the Commission's office was satisfactorily responded to within four weeks.
- The Commission adhered to its policy of responding to all telephone requests on the same day or the next working day. All staff responded to general requests for information. Client feedback indicates satisfaction with this service.

Register of Political Parties

The Electoral Commissioner keeps the Register of Political Parties for the purposes of ACT Legislative Assembly elections. At 1 July 1996 there were seven parties on the Register. One new party, The Shooter's Party was registered on 19 September 1996. The following table shows that, at 30 June 1997, eight parties were included in the Register:

Australian Democrats
Australian Labor Party, Australian Capital Territory
Call to Australia (Fred Nile) Group
Liberal Party of Australia (ACT Division)
Moore Independents
National Party of Australia — ACT
The ACT Greens
The Shooter's Party (ACT)

TABLE 5 — Registered political parties as at 30 June 1997

**PERFORMANCE ASSESSMENT —
PARTY REGISTER**

- The Party Register is maintained in-house. The outlays required for its maintenance are minimal.

Funding and disclosure

Annual returns

Under the election funding and financial disclosure (FAD) provisions of the Electoral Act, registered political parties and independent Members of the Legislative Assembly (MLAs) were, during the reporting period, required to lodge an annual return. The annual return must set out the total receipts and expenditure and details of outstanding debts as at the end of the financial year.

Amendments to the Electoral Act during the 1996/97 financial year also require associated entities and persons who donate more than \$1500 during the financial year to lodge annual returns. These returns are not due for lodgement until 17 November 1997.

Nine annual returns were received for the 1995/96 financial year. Seven of these were submitted by registered political parties and two were lodged by independent MLAs. These returns were processed to ensure compliance with the disclosure provisions of the Act. The errors discovered were of a minor nature. The returns were made available for public inspection from 1 February 1997.

Changes to manuals and forms

In order to ensure participants in the FAD scheme were aware of their responsibilities under the amended scheme the Commission updated relevant FAD information manuals and forms during the reporting period. These updated manuals were forwarded to registered parties, independent MLAs, associated entities and third parties with information regarding their obligations under the scheme.

**PERFORMANCE ASSESSMENT —
FUNDING AND DISCLOSURE**

- Returns submitted during the reporting period substantially complied with the Electoral Act with the exception that four returns were submitted after the due date.

Redistribution of ACT electoral boundaries

A redistribution of electoral boundaries commenced during the 1995/96 financial year. The members of the Redistribution Committee were:

Mr Phillip Green

Electoral Commissioner (Chairperson)

Mr Gary Prattley

Chief Planner

Mr Rod Menzies*

Chief Surveyor

Mrs Jan Woodward

Appointed member

*Mr Rod Menzies, acting Chief Surveyor, replaced Mr Edwin Hyde, Chief Surveyor, on the Redistribution Committee on 18 July 1996.

**TABLE 6 — Members of the 1996
ACT Redistribution Committee**

The Redistribution Committee published its proposed redistribution on 24 July 1996. The Committee proposed that the boundaries that were in place at the last ACT Legislative Assembly election remain unchanged.

By the end of the objection period on 21 August 1996 two objections to the proposed redistribution had been received. The objections were considered by the augmented Electoral Commission, which consists of the members of the Electoral Commission and the Redistribution Committee.

The augmented Electoral Commission decided not to uphold the objections and determined that the boundaries would remain unchanged. This decision was announced on 9 September 1996. The formal *Gazette* notice announcing the redistribution was published on 11 September 1996.

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. In proposing that the boundaries remain the same, the Redistribution Committee estimated on the basis of figures provided by the Australian Bureau of Statistics that the Ginninderra electorate would be 4.85% below the quota in February 1998.

At 30 June 1997 Ginninderra was 6.14% below the quota, outside the desired tolerance (Brindabella was 0.99% above the quota and Molonglo was 3.68% above). This may indicate that the population projections used for the redistribution may not have accurately estimated likely population changes in the ACT. However, a number of factors may see the relativity

between each electorate change by the time of the 1998 election.

As discussed under *Electoral roll review* above, a partial roll review was conducted in early 1997 in growth areas. This had the effect of increasing the enrolment in areas such as Gungahlin (in Molonglo), but it did not identify elector movements in stable areas. This may have artificially inflated the Molonglo enrolment compared to Ginninderra. The full roll review scheduled for the end of 1997 and the roll close for the 1998 election may alter the variations from the quotas for the three electorates so that Ginninderra's enrolment may be within the 5% tolerance at the time of the election.

The Commission's 1997/98 Annual Report will examine this issue and report on the effectiveness of the enrolment projections used by the augmented Commission in making the 1996 redistribution.

PERFORMANCE ASSESSMENT — 1996 REDISTRIBUTION

- The redistribution was completed in a timely and efficient manner. Various measures introduced to reduce costs and the fact that the boundaries did not change resulted in the final cost of the redistribution being well under budget. Over two years, the redistribution cost around \$14000, some \$10000 less than the estimated cost.
- The effectiveness of the enrolment projections used for the redistribution will be measured at the time of the 1998 election.

Goal 3 — Achieve increased public understanding of, and participation in, the electoral process

This Goal includes the following Aims:

- to provide useful electoral information to the community that encourages participation in elections and referendums; and
- to develop an Access and Equity program.

Electoral education

1998 election community education campaign

The Commission selected an advertising agency, Grey Advertising, and a public relations company, Michels Warren, to assist it with the community education and information campaign for the 1998 election.

This team will assist the Commission in informing the ACT community about the election, particularly focusing on: encouraging electors to enrol or to update their enrolment, maximising voter turnout, informing electors about the Hare-Clark electoral system, assisting electors to cast a formal vote and informing electors about the new ban on canvassing within 100 metres of a polling place.

Internet site

In 1997 the Commission established an internet site with information on the Commission, the Hare-Clark electoral system, enrolment, electoral boundaries and the 1995 election. The Commission's 1995/96 Annual Report is also available on the Internet.

The Commission intends to include specific information on the 1998 election on its Internet site in 1997/98. The Commission's homepage address is:
www.dpa.act.gov.au/actelect/actelechp.html.

Electoral education program

The Electoral Commission provides electoral education to school, community and professional groups. This program is aimed primarily at raising community awareness of the ACT's electoral system and the Legislative Assembly. In 1996/97 the Commission participated in nine education sessions which included mock elections for school and community groups, conduct of school representative council elections and a public service seminar.

The Commission's education sessions are often conducted in co-operation with the Legislative Assembly education officer. Students at these sessions are shown how the Members of the Legislative Assembly are elected and how the Assembly functions.

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

The Commission also contributes to civics education activities sponsored by the ACT Chapter of the Constitutional Centenary Foundation. In 1996/97 the Commission was represented on the committee that organised the ACT Schools Constitution Convention. The Convention looked at the processes involved in constitutional change, including a mock referendum.

The Commission's education program is advertised, in conjunction with the

Legislative Assembly, by direct mail-out to school and community groups, in the newsletter of the Chief Minister's Department's Office of Ethnic & Multicultural Affairs and by referral from other organisations.

The following table lists electoral education sessions conducted by Commission staff during the 1996/97 financial year:

ORGANISATION TYPE	ORGANISATION NAME	NUMBER OF PARTICIPANTS
Primary School	St John Vianney Primary School, Waramanga	95
	Ainslie Primary School	120
	Campbell Primary School	100
Secondary Schools	Melrose High School, Chifley	780
	Kaleen High School	50
College	Dickson College	15
Community Groups	University of the Third Age	5
	University of the Third Age	15
Professional Groups	Legislative Assembly - Public Service Seminar	55
Other	ACT Schools Constitution Convention	91
Total		1326

TABLE 7 — Electoral education provided to organisations during 1996/97

**PERFORMANCE ASSESSMENT —
ELECTORAL EDUCATION**

- The Commission reached almost twice the number of electoral education participants in 1996/97 than in the previous year (1326 in 1996/97 compared to 683 in 1995/96). The Commission, in co-operation with the Legislative Assembly Education Office, met all requests to deliver education sessions in 1996/97.
- Through structured and informal feedback mechanisms, the Commission has received positive comments, both verbally and in writing, on its work. This feedback has come from students, teachers and other workers in the electoral education field.

Access and Equity

The Commission has developed an Access and Equity program for the 1998 Legislative Assembly election. The following strategies will be adopted for the election:

- continuation of the electoral education program, particularly focusing on young people and community groups.
- provision of electoral information material in a range of community languages, to be disseminated to the migrant community through bi-lingual educators, printed materials, ethnic radio and ethnic organisations;

- employment of polling staff with multilingual skills;
- provision of electoral information in English on audio tape and on print-handicapped radio;
- provision of services to disabled people such as specific information in newspapers and brochures delivered to all households on disabled access at polling places and help at polling booths; and
- facilitating alternative forms of voting for those who have difficulty in reaching a polling place.

**PERFORMANCE ASSESSMENT — ACCESS
AND EQUITY**

- Measurement of the first two performance indicators for this aim (related to the use of multi-lingual services and the reduction of non-voters in target groups) must await the 1998 election.
- The numbers of target group members reached by the education program and feedback from clients is addressed above under Electoral Education.

Goal 4 — Ensure best possible management practice

This Goal includes the following Aims:

- to provide satisfying work and development opportunities for all staff;
- to foster an environment of continuous improvement;
- to ensure that financial management systems and procedures meet the Commission's and the Government's requirements; and
- to foster a culture that practises the principles of Industrial Democracy (ID), Equal Employment Opportunity (EEO), and Occupational Health and Safety (OH & S).

The Commission's work environment

In its day to day activities and its long-term planning, the Commission aims to foster an environment of continuous improvement. Some strategies undertaken in 1996/97 to facilitate improvement in the Commission's work environment included:

- individual staff skills audits and subsequent skills training;
- participation in the process of developing benchmarking criteria and reporting against these criteria with other electoral bodies;
- maintenance of performance agreements for all members of staff; and
- the continuing practice of an open and participative decision making process as well as comprehensive information sharing at all levels.

Tasks undertaken in 1996/97, such as the conduct of Health Professions Boards elections, the conduct of the ACG Super election, assistance provided to the Tasmanian Electoral Office for the conduct of the Local Council elections, and the recounts to fill the Molonglo and Brindabella vacancies also encouraged

Commission staff to build on best-practice procedures to meet new challenges.

The ACT Government's first experience with accrual accounting in 1996/97 also presented Commission staff with new challenges and the opportunity to expand on financial management skills.

The Commission recognises that industrial democracy is a tool for improving the quality of the decision making process and for enhancing the quality of working life and the delivery of service. As the Commission is a small organisation, all staff meet in regular forums to participate in decision making. These include weekly staff meetings and corporate and strategic planning workshops.

The Commission's commitment to Equal Employment Opportunity (EEO), and Occupational Health and Safety (OH & S) are discussed below under Part C.

PERFORMANCE ASSESSMENT — BEST POSSIBLE MANAGEMENT PRACTICE

- Feedback from staff indicates that staff members consider that the culture of the Commission strongly promotes continuous improvement, ID, EEO and OH & S, which in turn contributes to satisfying work and development opportunities for all staff.
- As indicated below under Part C, a range of staff development and training measures were implemented in 1996/97. Both staff and management were satisfied with the outcomes of these measures.
- Feedback from the Electoral Commission members and the Attorney General's Department indicates that the Commission's finances have been well maintained, that the Commission has complied with financial regulations and that the Commission has met deadlines for financial reporting and payments of accounts.
- There were no work-related accidents in 1996/97.

Outlook

In 1997/98 the Electoral Commission will be focused on the conduct of the 21 February 1998 Legislative Assembly election. While the conduct of the 1995 election was regarded as highly efficient and successful, the Commission aims to conduct the 1998 election even more efficiently, while providing a top quality service to its clients.

In particular, the Commission intends to undertake several measures aimed at increasing voter turnout, maximising voter understanding of the electoral process and reducing the level of informal voting. These measures include:

- Working with the Australian Electoral Commission to undertake an effective review of the ACT electoral roll before the 1998 election.
- Conducting an effective electoral education program for the election, utilising mass media advertising, public relations activities and targeted activities for special needs community groups; and
- Expanding the electoral information provided on the Commission's Internet site.

Other activities to be undertaking in 1997/98 include:

- Working with the Government and the Assembly on the Commission's recommended amendments to the Electoral Act to facilitate passage of any agreed amendments before the 1998 election.
- Completing preparations for the 1998 election and conducting the election to the standards set out in the Commission's strategic plan.

- Processing notices to apparent non-voters and multiple voters in an efficient and effective manner.
- Participating with the electoral authorities of the States, the Northern Territory and the Commonwealth in the deliberations and initiatives of the Australian Joint Roll Council.

Part B - Financial Statement

The Commission is attached to the Attorney General's Department for administrative purposes. In the departmental structure the Commission is included as Output Class 8, Output 8.1 Electoral Services.

The following financial statement is presented for information. The Electoral

Commission has been audited for the purposes of the *Audit Act 1989* as part of the Attorney General's Department. The financial transactions for the Commission for 1996/97 are formally reported in the consolidated financial statements included in the Attorney General's Department's Annual Report.

1996/97 Operating Statement: Output 8.1 — Electoral Services

	96/97 BUDGET (\$ '000)	96/97 OUTCOME (\$ '000)
REVENUE		
Government payment for outputs	675	644
Liabilities assumed by Government	41	32
Resources received free of charge	0	6
Interest	0	1
Other	0	9
TOTAL REVENUE	716	692
EXPENDITURE		
Employee expenses	386*	388
Administrative expenses	313*	309
Depreciation and amortisation	23	25
Other expenses	26	13
TOTAL EXPENDITURE	748	734
OPERATING RESULT	-32	-43

TABLE 8 — Electoral Services Budget Operating Statement 1996/97

* These budget figures are adjusted from the 1996/97 budget papers to reflect the transfer of \$53400 from Administrative expenses to Employee expenses for remuneration of the part-time Commissioners.

In 1996/97 the Commission received revenue on behalf of the Territory of \$2925 from non-voter penalties that is not reflected in this table.

This table includes costs incurred by the Attorney-General's Department on electoral services. These costs include Ministerial, corporate, finance and information technology services

Details of 1996/97 Expenditure

The following more detailed breakdown of expenditure for 1996/97 lists expenditure incurred on an accrual basis by the ACT Electoral Commission only. It does not include expenditure incurred on Electoral Services by the Attorney-General's Department.

	96/97 OUTCOME
	(\$)
Administrative expenses	
Accommodation	61789
Advertising	3938
Computers — leasing, repairs, maintenance and other costs	3098
Consultants/Contractors — Computing	6540
Consultants/Contractors — Other	2251
Joint roll costs	125862
Miscellaneous	4304
Office machines and furniture— purchases, repairs and maintenance	12615
Postage and freight	4955
Printing	8185
Storage	4048
Supplies — general	24902
Telephones	7140
Training	8280
Travel	8243
Vehicle fleet costs	7220
Total administrative expenses	293370
Employee Expenses	
Fringe benefits tax	7383
Leave entitlements (unfunded)	47949
Personnel costs	3868
Productivity superannuation	5121
Recruitment relocation costs	737
Remuneration of part-time Commission Members	50779
Salaries	199369
Superannuation liability (unfunded)	37348
Workers compensation	2673
Total Employee Expenses	355227
TOTAL ADMINISTRATIVE AND EMPLOYEE EXPENDITURE	648597

TABLE 9 — Detailed statement of Electoral Commission expenditure for 1996/97

Part C — Whole of Government Issues

Key Policy Objectives

Customer focused public service

The Electoral Commission is a participant in the ACT Government's Customer Commitment program. The Commission's Commitment to Service Statement is available at the Commission's counter and at ACT Government Shopfronts. The Commission reviewed its Commitment to Service Statement during the year to include Translating and Interpreting Service information and to update the Commission's address details.

The Commission received no complaints from customers over the reporting period. The Commission received several positive appraisals for its work performance specifically in relation to the conduct of: the count backs to fill the Legislative Assembly casual vacancies; the Health Professions Boards elections; the ACG Super election; and the electoral education program.

The Commission's performance against the service standards outlined in its Commitment to Service Statement is set out in Part A of this report.

Customer feedback on the electoral education program has indicated that customers are very satisfied with the program delivery, resources and content. Customer evaluation has also provided the Commission with ideas on how to improve the education program.

The Commission plans to conduct extensive market research for the 1998 Legislative Assembly election. This research will concentrate on the information needs of electors and satisfaction with the Commission's performance in conducting the election.

Fraud prevention

The Commission continued to employ the following fraud prevention strategies in 1996/97:

- maintenance of improved office administration procedures, especially as they relate to the use of cabcharge and petty cash handling; and
- adoption of a code of conduct relating to the use of information technology particularly as it relates to electoral roll information.

As well, the Commission introduced processes to reduce electoral fraud by ensuring all staff followed a standard procedure when witnessing an application for enrolment.

Equal Employment Opportunity

The ACT Electoral Commission is an Equal Employment Opportunity (EEO) employer and recognises the necessity of discouraging all forms of discrimination and ensuring the effective use of the abilities and skills of staff from diverse backgrounds.

The Commission adopted the Attorney General's Department EEO policy in 1995 when responsibility for electoral matters was transferred to the Attorney General.

The following table provides statistical information for Members of the Commission and permanent and temporary staff of the Commission as at 30 June 1997:

Classification	Female	Male	NESB
Chairperson		1	
Commissioner		1	
Member	1		
SOG C	1		
ASO 6		1	
ASO 5	1		
ASO 4	1		1
Total	4	3	1

TABLE 10 — Electoral Commission staff by EEO groups

ECO Workplace Scheme

The Commission uses 100% recycled paper in all cases except where recycled paper is not suitable. Where possible, materials for the 1998 ACT election, including the ballot papers will be printed on 100% recycled paper. Paper from plantation timbers will be used if possible where recycled paper is not suitable. All cardboard equipment from the election (ballot boxes, voting screens etc.) that can not be reused, will be recycled.

Where possible, office machines, including computers, photocopier and printers, have “green” aspects enabling them to “power down” when not in use. Electrical appliances and lights are routinely turned off overnight. All paper waste is recycled.

Resource Monitoring

Executive management

As at 30 June 1997, the Electoral Commission employed one Executive officer, the Electoral Commissioner.

Staffing overview and statistics

The Commission operates with a permanent staff of four, including the Electoral Commissioner. The Commission's permanent staff are supplemented during election periods by additional staff employed under the Public Sector Management Act and the Electoral Act and staff seconded from other organisations, such as the Australian Electoral Commission and State electoral authorities.

At pay 26, 1996/97, the Commission had four permanent and one temporary full-time staff members:

Electoral Commissioner
(Executive Officer, statutory office holder, male)

Deputy Electoral Commissioner
(Senior Officer Grade C, female)

Project and Policy Officer
(Administrative Officer Grade 6, male)

Project Officer (temporary position)
(Administrative Officer Grade 5, female)

Administration and Program Officer
(Administrative Officer Grade 4, female)

TABLE 11 — Staff of the ACT Electoral Commission

With the exception of the Electoral Commissioner (who is appointed under the Electoral Act) all permanent Commission staff are employed under the *Public Sector Management Act 1994*.

Consultancy and contract services

In the course of the 1996/97 financial year the Commission employed the following consultants and contractors:

- Synerlogic Microsystems to maintain the computer system for the office. Duration of services: ad hoc support during the year. Cost in 1996/97: \$6539.84.
- Deloitte Touche Tohmatsu for the audit of funding and disclosure returns. Duration of services: ad hoc during the year. Cost in 1996/97: \$900.00.
- Koomarri Association for the collation of electoral education materials. Duration of services: one day. Cost in 1996/97: \$251.25.
- TMP Worldwide for creative production and submission fees for the tender process for the election information campaign. Duration of services: period of the tender process. Cost in 1996/97: \$250.00.
- Grey Advertising Canberra for creative production and submission fees for the tender process for the election information campaign. Duration of services: period of the tender process. Cost in 1996/97: \$250.00.

The Commission did not pay more than \$50000 to any consultants or contractors during the 1996/97 financial year.

Training and staff development

During 1996/97 all permanent staff of the Commission attended staff training and development programs. The expenditure for training represented approximately 1.5% of salaries for the year.

Further valuable experience was gained by staff through assisting other electoral bodies with issuing pre-poll votes, assisting the Tasmanian Electoral Office with Local Government elections and assisting the Australian Electoral Commission with enquiries for the Fraser by-election.

The following table sets out the training expenditure by the Commission for the 1996/97 financial year.

Staff member	Course Name	Cost (\$)
ASO 4	ORACLE end-user training Public Service Seminar No. 4 Word for Windows 6.0 ORACLE training (receivables) Microsoft Access (Intermediate) Internet training	1765
ASO 6	Internet training	-
SOG C	Microsoft Access (Advanced) Internet training	900
Electoral Commissioner	Industrial Relations Training Microsoft Access (Advanced) Dealing with Difficult Clients	1340
	Total	4005

TABLE 12 — Training courses attended by permanent staff of the Electoral Commission in 1996/97

Capital works management

The Commission did not undertake any capital works projects in 1996/97.

ACT Government passenger vehicles

The Commission has a single 6 cylinder passenger vehicle. This is the same number as in the previous year.

Statutory Requirements

Occupational health and safety

In maintaining the office and in planning for the election, the Commission has given careful consideration to occupational health and safety principles and practices. In the lead-up to the 1998 election, occupational health and safety principles were taken into account when searching for office space to accommodate additional staff. The Commission has a designated qualified first aid officer.

There were no work-related accidents in 1996/97.

Workers compensation

There were no workers compensation claims during the reporting period.

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. During the reporting period the Commission prepared and distributed information on public interest disclosure to all staff.

During 1996/97 no public interest disclosures related to the Electoral Commission were lodged.

Commissioner for the Environment

The Commission has not contributed to the Environment Commission's Annual Report in 1996/97. As this was a non-general election year, Commission activities have not had a significant environmental impact. The Commission has not been the subject of an investigation by the Commissioner for the Environment.

Freedom of information

The following statement is correct as at 30 June 1997 and is included in the report as a requirement under section 7 of the ACT *Freedom of Information Act 1989*.

Electoral Act 1992

The *Electoral Act 1992* (the Electoral Act) provides for the establishment of the ACT Electoral Commission and confers a range of powers and functions related to the conduct of elections on the Electoral Commission, the Electoral Commissioner and other officers.

Establishment

The Australian Capital Territory Electoral Commission (the Commission) was established as a statutory authority under the Electoral Act. The Commission consists of the Chairperson, the Commissioner and one other Member. The Members are appointed for terms not exceeding five years and are eligible for reappointment.

Functions

Functions of the Commission under the Electoral Act include:

- the conduct of redistributions of ACT electoral boundaries within 12 months after the date of each general election of members of the Legislative Assembly;
- advising the Minister on electoral matters;
- considering, and reporting to the Minister on, electoral matters referred to it by the Minister;

- promoting public awareness of electoral and Assembly matters through education and information programs;
 - providing information and advice on electoral matters to the Assembly, the Executive, the head of any administrative unit of the Public Service, Territory authorities, political parties and candidates at elections;
 - conducting and promoting research into matters relating to elections or other matters relating to its functions;
 - the publication of material on matters relating to its functions;
 - the provision of goods and services to persons and organisations upon payment of the determined fee (if any), to the extent that it is possible to do so by using information or material in its possession or expertise acquired in the performance of its functions;
 - the performance of all other functions conferred on it by or under the Electoral Act or any other law of the Territory; and
 - the conduct of ballots for prescribed persons and organisations.
- It shall cause a Redistribution Committee to be formed for the purposes of the conduct of a redistribution of electorates (section 39 of the Electoral Act).
 - It shall appoint a person to serve on a Redistribution Committee, being a person whose qualifications and experience would, in the opinion of the Commission, enable the person to assist the Committee (section 39 of the Electoral Act).
 - The Electoral Commission shall review a decision made by the Commissioner on application by a person affected by a reviewable decision (section 247 of the Electoral Act).
 - Before making a decision on the review of a reviewable decision, the Electoral Commission may, on the application of a person affected by the decision, make a written order staying or otherwise affecting the operation or implementation of the decision or part of the decision (section 247 of the Electoral Act).
 - The Electoral Commission may make an order whether or not an application for the review of the relevant decision has been made to the Commission (section 247 of the Electoral Act).
 - On the review of a reviewable decision, the Electoral Commission shall affirm the decision; vary the decision; or set aside the decision and substitute its own decision (section 247 of the Electoral Act).
 - The Electoral Commission shall give written notice of its decision on a review to each person to whom a review statement about the relevant decision was given under this Act; and the applicant for the review (section 248 of the Electoral Act).

Arrangements for public participation in decision making

Avenues for public participation in decision making include public submissions on proposed changes to electoral boundaries, and access to official documents through the FOI process.

Powers

- The Commission has the following powers: It may do all things necessary or convenient to be done in connection with the performance of its functions (section 9 of the Electoral Act).

A **Redistribution Committee** formed by the Commission is chaired by the Electoral Commissioner, and has the following powers:

- To invite public suggestions relating to a redistribution and invite public comments on those suggestions (section 41 of the Electoral Act).
- Before making a proposed redistribution, it may cause an outline of its proposal to be made available to the public (section 42 of the Electoral Act).
- To propose a redistribution of electorates, and to state the reasons for its proposals in writing (section 43 of the Electoral Act).
- To cause details of its proposed redistribution to be made public, and to invite public objections to its proposal (section 44 of the Electoral Act).

A Redistribution Committee is dissolved immediately after publishing the details of its proposed redistribution (section 45 of the Electoral Act).

For the purposes of each redistribution, an **augmented Electoral Commission** is established consisting of members of the Commission and the members of the Redistribution Committee formed for the purposes of the redistribution. An augmented Commission has the following powers:

- To investigate each objection made to a Redistribution Committee's proposal. For the purpose of investigating an objection, an augmented Commission may hold a public hearing (section 49 of the Electoral Act).
- To make a proposed redistribution of electorates after completing any investigations of objections (section 50 of the Electoral Act).

- To cause details of its proposed redistribution to be made public and, if it is of the opinion that its proposed redistribution is significantly different from the Redistribution Committee's proposal, it shall invite public objections to its proposal (section 51 of the Electoral Act).
- To investigate each objection made to its proposal. For the purpose of investigating an objection, an augmented Commission may hold a public hearing (section 52 of the Electoral Act).
- After completing any investigation required into an objection to its proposal, an augmented Commission shall redistribute electorates by determining the names and boundaries of each electorate and the number of members to be elected from each electorate (section 35 of the Electoral Act).
- After redistributing electorates under section 35, an augmented Commission shall submit a report concerning the redistribution to the Minister, make copies of the report available to the public and make a public announcement to the effect that the redistribution has been made (section 53 of the Electoral Act).

Categories of documents

- The Commission's Annual Reports.
- Reports made by Redistribution Committees and augmented Commissions.
- Enrolment statistics related to redistributions of electorates.
- Public submissions related to redistributions of electorates.

Powers of the Electoral Commissioner and other officers

Electoral rolls

The Commissioner shall keep electoral rolls for the Territory which consist of separate rolls for each electorate and they may be kept electronically (section 57 of the Electoral Act).

- The Commissioner shall make available to the public printed extracts from each electoral roll for inspection only and free of charge, at the office of the Commissioner during office hours or any other place so determined by the Commissioner (section 60 of the Electoral Act).
- The Commissioner shall supply two printed copies of the roll for an electorate to each MLA and the registered officer of each registered party upon their request (section 61 of the Electoral Act).
- The Commissioner shall provide roll extracts in electronic form to MLAs and registered officers of a registered party upon their request (section 62 of the Electoral Act).
- The Commissioner shall on request, and on payment of the determined fee, supply a roll extract in electronic form, or on a microfiche, to a person who the Commissioner is satisfied requires the extract for an approved purpose (section 62 of the Electoral Act).
- The Commissioner shall provide roll information to prescribed authorities if they satisfy the requirements for a prescribed purpose (section 65 of the Electoral Act).
- For the purpose of the *Juries Act 1967*, the Commissioner shall, on request by the Sheriff of the Territory, give the Sheriff a copy of the roll of electors of the Territory (section 65 of the Electoral Act).
- The Commissioner shall, so far as practicable, keep the rolls up to date (section 66 of the Electoral Act).
- The Commissioner may alter a roll at any time in accordance with the Electoral Act (section 66 of the Electoral Act).
- The Commissioner has the power to require information in connection with the maintenance of the electoral roll (section 67 of the Electoral Act).
- The Commissioner, an officer or a member of the staff of the Electoral Commission shall not disclose roll information without a reasonable excuse (section 69 of the Electoral Act).
- The Commissioner shall annotate the roll for an electorate so as to indicate the name of each person who is an eligible overseas elector in relation to an electorate (section 74 of the Electoral Act).
- The Commissioner shall cancel an annotation in respect of a person if a person ceases to be an eligible overseas elector for purposes of the Commonwealth Electoral Act; or the person notifies the Commissioner that he or she does not intend to reside, or to resume residing, in the Territory after ceasing to be an eligible overseas elector for the purposes of the Commonwealth Electoral Act (section 74 of the Electoral Act).
- The Commissioner shall enrol a person on the roll for an electorate if the person meets the criteria for enrolment set out in the Electoral Act (section 75 of the Electoral Act).

- On receiving a claim for enrolment, the Commissioner shall enrol the claimant or reject the claim and advise the claimant of the decision (section 76 of the Electoral Act).
- The Commissioner shall suppress the particulars of an elector's address from any extract from the roll on which the elector is enrolled if the elector's address is suppressed on the Commonwealth roll (section 77 of the Electoral Act).
- Where an elector is not enrolled on the Commonwealth roll, on the elector's request for suppression of particulars of his or her address from any extract from any roll, the Commissioner shall grant the request, or refuse the request and advise the elector of the decision. The Commissioner shall grant a request if satisfied on reasonable grounds that the inclusion of the particulars of the elector's address on an extract from the roll would place at risk the personal safety of the elector or any member of the elector's family (section 77 of the Electoral Act).
- The Commissioner shall include the particulars of an elector's suppressed address on an extract from the roll if the Commissioner is satisfied on reasonable grounds that the inclusion of the particulars would not place at risk the personal safety of the elector or any member of the elector's family (section 78 of the Electoral Act).
- After making a decision to include the particulars of an elector's suppressed address on an extract from the roll, the Commissioner shall give the elector a review statement about the decision (section 78 of the Electoral Act).
- The Commissioner shall suppress the particulars of an elector's suppressed address from any extract from a roll pending a review of the Commissioner's decision (section 79 of the Electoral Act).
- The Commissioner has the power to reject an objection to the enrolment of a person by another person (section 81 of the Electoral Act).
- After the Commissioner rejects an objection he or she shall give the objector written notice of the rejection; and give the objector a review statement about the decision to reject the objection (section 81 of the Electoral Act).
- The Commissioner shall give a person, against whom an objection to enrolment has been lodged, written notice of the objection inviting the person to respond within 21 days after the date of the notice (section 81 of the Electoral Act).
- After considering any such response, the Commissioner shall determine the person's entitlement to enrolment and confirm the enrolment; or remove the person's name from the roll and advise the person and the objector (section 81 of the Electoral Act).
- Where a person's name is removed from a roll as a result of an objection, the Commissioner shall return the deposit lodged with the objection to the objector (section 81 of the Electoral Act).

Categories of documents

- Electoral roll extracts for the Australian Capital Territory

Registration of political parties

- The Commissioner is required to keep a register of political parties, which is to be made available to the public for inspection free of charge, at the office of the Commissioner during office hours (section 88 of the Electoral Act).
- The Commissioner shall publish a notice in the Gazette and a daily ACT newspaper with details of the application for the registration of a political party (section 91 of the Electoral Act).
- The Commissioner may register an eligible political party and give any objector a review statement outlining the decision to register the political party (section 92 of the Electoral Act).
- The Commissioner has the right to refuse an application for the registration of a political party (section 93 of the Electoral Act).
- The Commissioner can suggest in written form that an application be varied in order to avoid refusal of that application (section 94 of the Electoral Act).
- The registration of a political party can be cancelled by the Commissioner (section 98 of the Electoral Act).

Categories of documents

- Register of Political Parties
- Applications for registration as a political party, including party constitutions
- Objections to applications for registration as a political party

Arrangements for elections

- As soon as practicable after the hour of nomination, the Commissioner shall, at the place of nomination, publicly produce all nomination forms, declare each person duly nominated to be a candidate and arrange for a notice containing particulars relating to each candidate to be displayed (section 109 of the Electoral Act).
- The Commissioner has the power to reject a nomination if it fails to meet the requirements of the Electoral Act. The nominee is to be notified in writing of the reasons for rejection (section 110 of the Electoral Act).
- The Commissioner shall declare the candidate or candidates elected if their number is less than or equal to the number required to be elected that have nominated. A poll is held if there is a greater number of candidates nominated for election than is required (section 111 of the Electoral Act).
- The Commissioner shall declare the remaining candidates elected if the death of a candidate before polling day results in the number of candidates being less than, or equal to, the number required to be elected (section 112 of the Electoral Act).
- The Commissioner shall return a candidate's nomination deposit if he or she is elected, he or she receives votes equal to or in excess of 20% of the quota for the election, or a nominee dies before the candidates are declared for the election, or a candidate dies before polling day (section 113 of the Electoral Act).
- The Commissioner may determine the colour of the paper on which ballot papers for each electorate are to be printed (section 114 of the Electoral Act).

- The Commissioner shall conduct the draw for positions on the ballot paper as soon as possible after the declaration of the candidates (section 118 of the Electoral Act).
- The Commissioner shall by notice in the Gazette and in a daily ACT newspaper appoint specific polling places and scrutiny centres to be used for the election (section 119 of the Electoral Act).
- The Commissioner shall make appropriate administrative arrangements for the conduct of each election (section 120 of the Electoral Act).
- The Commissioner shall prepare and distribute certified lists of electors (section 121 of the Electoral Act).
- Where a person attends before an officer at a polling place on polling day and claims to vote at an election, the officer shall issue declaration voting papers to the person for the relevant electorate if satisfied that the requirements of the Electoral Act are met (section 135 of the Electoral Act).
- An officer shall not issue declaration voting papers to a person who indicates that he or she has already voted at the election (section 135 of the Electoral Act).
- The officer shall give the claimant a statement in writing in the approved form indicating the consequences of casting a declaration vote under this section, and record the name of the claimant (section 135 of the Electoral Act).
- The officer shall complete and sign the declaration certificate as witness (section 135 of the Electoral Act).
- The officer shall, in the presence of the person, without unfolding a declaration ballot paper, place it in the envelope on which the declaration appears, fasten the envelope and place it in a ballot box at the polling place (section 135 of the Electoral Act).
- An authorised officer shall, on application by an eligible elector, give to the elector declaration voting papers for the electorate in which the person claims to be enrolled (section 136 of the Electoral Act).
- An officer shall not post declaration voting papers to an applicant if the application is received by the officer after the last mail clearance at the nearest post office on the last Thursday before polling day (section 136 of the Electoral Act).

Categories of documents

- Election Statistics Book
- Candidates Information Book
- Scrutineers Information Book

Voting

- An officer shall issue a ballot paper to a claimant for the relevant electorate if satisfied that the certified list of electors for the electorate specifies the claimant's name and an address for the claimant, and has not been marked so as to indicate that a ballot paper has already been issued to the claimant (section 133 of the Electoral Act).
- An officer shall not issue a ballot paper to a person who indicates that he or she has already voted at the election (section 133 of the Electoral Act).
- Immediately after issuing a ballot paper to a claimant, the officer shall record the issue on the certified list of electors (section 133 of the Electoral Act).

- An officer who issues declaration voting papers shall make a record of the time and date of issue; and if the officer is not the Commissioner, give the record to the Commissioner (section 137 of the Electoral Act).
- The record of the issue of declaration voting papers (not including the addresses of silent electors), shall be made available for public inspection for a period of 40 days beginning on the third day after polling day at the office of the Commissioner during office hours (section 138 of the Electoral Act).
- An officer who receives completed declaration voting papers in respect of a declaration vote shall endorse the time and date of receipt on the envelope, and if the officer is not the Commissioner, give the papers to the Commissioner or an authorised officer (section 139 of the Electoral Act).
- The Commissioner shall keep the papers in safe custody for the purposes of scrutiny (section 139 of the Electoral Act).
- The Commissioner shall keep a register, called the Register of Declaration Voters (section 140 of the Electoral Act).
- Application forms for declaration voting papers are to be sent by the Commissioner to registered declaration voters at the beginning of the election period, and declaration voting papers are to be sent to all those electors registered as being unable to sign their own name or as being physically incapacitated (section 141 of the Electoral Act).
- If an officer is satisfied that an application for declaration voting papers for postal voting, or the declaration or certificate in completed declaration voting papers, contains a formal error, the officer may amend the application, declaration or certificate, so as to amend the error (section 142 of the Electoral Act).
- Mobile polling is to be arranged for patients at special hospitals and remand centres in order to take their votes (section 150 of the Electoral Act).
- When visiting, the visiting officer shall take everything necessary to enable a person to vote, and shall be accompanied by at least one other officer and any scrutineer who wishes to attend (section 151 of the Electoral Act).
- After a visiting officer has completed all his or her visits the officer shall, in the presence of any scrutineers, close and seal the ballot boxes containing ballot papers for ordinary voting or declaration voting; parcel and enclose in sealed wrapping all unused ballot papers; and parcel and enclose in sealed wrapping paper all other electoral papers used for the purposes of the visits, and give the articles to the Commissioner, who shall keep these articles in safe custody for purposes of the scrutiny (section 153 of the Electoral Act).
- Before any vote is taken the Officer in Charge of a polling place shall exhibit each empty ballot box, and shall then securely fasten its cover (section 154 of the Electoral Act).
- An officer shall not issue a ballot paper for the purposes of an election unless the particulars required by the Electoral Act are printed or endorsed on the ballot paper (section 155 of the Electoral Act).
- An officer shall issue another unused ballot paper to an elector who satisfies the officer that a ballot paper previously issued to the elector has been inadvertently spoiled, if the elector gives

the spoiled ballot paper to the officer (section 157 of the Electoral Act).

- An officer who receives a spoiled ballot paper shall write “spoiled” on the back of it; place it in an envelope, seal the envelope and endorse it so as to indicate the type of spoiled ballot paper enclosed; and sign the endorsement (section 157 of the Electoral Act).
- At the close of polling, the Officer in Charge shall enclose the envelope in a sealed parcel and give it to the Commissioner (section 157 of the Electoral Act).
- At the close of polling, the Officer in Charge of a polling place shall, in the presence of any scrutineers, close and seal the ballot boxes containing ballot papers for ordinary voting or declaration voting; parcel and enclose in sealed wrapping all unused ballot papers; and parcel and enclose in sealed wrapping all other electoral papers used at the polling place (section 158 of the Electoral Act).
- The Commissioner shall keep all relevant electoral papers in safe custody for the purposes of scrutiny (section 158 of the Electoral Act).
- The Commissioner may suspend polling at a polling place if it is not practicable to continue with it; the Commissioner may arrange for suspended polling to be resumed at a later time, but no later than 21 days after the suspension, where the Commissioner believes that it is not reasonably practicable for an elector affected by the suspension to vote at another polling place (section 160 of the Electoral Act).
- An elector who fails to vote is sent a default notice by the Commissioner. If the elector fails to respond to the first notice the elector is sent a second and

then a final notice (sections 161, 162, 163 and 164 of the Electoral Act).

- Arrangements for the polling in Antarctica shall be made by the Commissioner after the close of nominations for an election for an electorate for which an elector is enrolled (section 172 of the Electoral Act).

Categories of documents

- Register of declaration voters
- Declaration voting papers
- The record of the issue of declaration voting papers

The scrutiny

- The Commissioner shall arrange for all articles and documents specified by the Electoral Act to be dealt with at scrutiny centres (section 178 of the Electoral Act).
- The OIC for a scrutiny centre may adjourn the scrutiny at the centre from time to time (section 178 of the Electoral Act).
- The Commissioner shall arrange for the conduct of such preliminary scrutinies as are necessary in relation to a poll (section 179 of the Electoral Act).
- The Commissioner shall display a notice in a prominent place at the office of the Commissioner specifying the date, time and place at which a preliminary scrutiny is to commence. The notice shall be so displayed no later than 4 pm on the day before the commencement of the preliminary scrutiny (section 179 of the Electoral Act).
- An Officer in Charge of a scrutiny centre has the power to determine whether a ballot paper is formal (section 180 of the Electoral Act).

- The Electoral Commissioner may determine the formality of a ballot paper and, for that purpose, may reverse any decision made by another officer (section 180 of the Electoral Act).
- The Officer in Charge of a scrutiny centre shall arrange for the first count of ordinary ballot papers to be carried out as soon as practicable after the close of the poll for an election (section 182 of the Electoral Act).
- The Officer in Charge of a scrutiny centre shall arrange for the first count of declaration vote ballot papers which have been admitted to a scrutiny (section 183 of the Electoral Act).
- The Commissioner shall arrange for an officer at a scrutiny centre to open parcels of ordinary and declaration ballot papers and, so far as practicable, conduct a second scrutiny of the ballot papers (section 184 of the Electoral Act).
- The officer conducting the second scrutiny may reverse a decision made at the first scrutiny (section 184 of the Electoral Act).
- The Commissioner shall arrange for the further scrutiny of the ballot papers in the second scrutiny and the ascertainment of the successful candidates, and where it is necessary to do so: determine the numbers of ballot papers, calculate a quota or transfer value, or identify a candidate (section 185 of the Electoral Act).
- The officer conducting the scrutiny shall, if a scrutineer objects to a ballot paper as being informal, mark the ballot paper “admitted” or “rejected” according to the officer’s decision to admit or reject the ballot paper (section 186 of the Electoral Act).
- The Commissioner may, if the Commissioner thinks fit, and shall, if directed by the Electoral Commission, direct an officer to recount some or all of the ballot papers for an election at any time before the declaration of the result of the election (section 187 of the Electoral Act).
- The officer conducting a recount may reverse a decision made earlier in the scrutiny (section 187 of the Electoral Act).
- The Commissioner shall notify each candidate in writing, of the date, time and place fixed for a recount before a recount is conducted (section 187 of the Electoral Act).
- The officer conducting a recount may, if the officer thinks fit; and shall, at the request of any scrutineer, reserve any ballot paper for the decision of the Commissioner (section 188 of the Electoral Act).
- The Commissioner shall decide whether any ballot paper so reserved is to be admitted or rejected (section 188 of the Electoral Act).
- The Commissioner shall declare each successful candidate elected, declare the result of the elections, and notify the Clerk of the Assembly of the names of the candidates elected (section 189 of the Electoral Act).
- Where a casual vacancy occurs in the Legislative Assembly, the Commissioner shall publish a notice in a newspaper containing a statement to that effect and stating that a person may apply to be a candidate in accordance with the Electoral Act, and specifying when applications close (section 191 of the Electoral Act).

- The Commissioner shall, so far as practicable, give a copy of a notice of a casual vacancy to any person who, in the opinion of the Commissioner, may be entitled to make an application in respect of the vacancy (section 191 of the Electoral Act).
- The Commissioner shall inform the Speaker accordingly if not satisfied that it is practicable to fill a casual vacancy in the above way (section 191 of the Electoral Act).
- The Commissioner shall reject an application for a casual vacancy for the Legislative Assembly if it is not made in accordance with the Electoral Act and give the person in respect of whom it was made written notice setting out the reasons for the rejection (section 193 of the Electoral Act).
- The Commissioner shall, as soon as practicable after the close of applications for a casual vacancy for the Legislative Assembly, publicly produce all the applications and declare each person who has duly applied to be a candidate; and arrange for a notice containing particulars relating to each candidate (other than particulars of any suppressed address) to be displayed at the office of the Commissioner (section 193 of the Electoral Act).
- Where there are no candidates in relation to a casual vacancy, the Commissioner shall declare that there are no candidates and inform the Speaker accordingly (section 193 of the Electoral Act).
- If there is only one candidate in relation to a casual vacancy, the Commissioner shall declare the candidate elected (section 194 of the Electoral Act).
- If there is more than one candidate in relation to a casual vacancy, the Commissioner shall conduct a recount of ballot papers having given each

candidate written notice of the time and place for the recount, and declare elected the successful candidate (section 194 of the Electoral Act).

- The Commissioner shall declare a person elected to a casual vacancy for the Legislative Assembly where the Speaker of the Legislative Assembly notifies the Commissioner that the Assembly has chosen a person to hold the vacant office as an MLA for the rest of the term of the former MLA (section 195 of the Electoral Act).
- The Commissioner shall not take any action, or further action, in relation to a casual vacancy after the Assembly is dissolved or a pre-election period commences in relation to the electorate in which the casual vacancy has occurred (section 197 of the Electoral Act).

Categories of documents

- Scrutiny sheets
- Scrutineers Information Handbook
- Declaration of the Poll notice
- Polling Place Procedures Handbook
- Polling Place staff Handbooks and workbooks

Election funding and financial disclosure

- The Commissioner is to keep a register of reporting agents for parties, non-party groups and candidates (section 205 of the Electoral Act).
- The Commissioner shall make payments for election funding (section 212 of the Electoral Act).
- The Commissioner shall conduct investigations to ascertain compliance with this Part, and before doing so may give an investigation notice to a

reporting agent or prescribed person (section 237 of the Electoral Act).

- The Commissioner shall apply to a Magistrate for an investigation search warrant to seize any documents with evidence relating to a contravention of section 236 (section 238 of the Electoral Act).
- The Commissioner shall keep, at the office of the Commissioner, a copy of all funding and disclosure returns made under the Electoral Act (section 243 of the Electoral Act).
- The Commission may determine a fee for purchase of a copy of a return (section 243 of the Electoral Act).

Categories of documents

- Election Funding and Financial Disclosure handbooks
 - Volume 1:* for registered political parties and their agents
 - Volume 2:* for candidates endorsed by registered political parties and their reporting agents
 - Volume 3:* for non-party candidates and groups and their agents
 - Volume 4:* for broadcasters and publishers
 - Volume 5:* for persons (other than political parties, candidates, broadcasters or publishers) taking part in an ACT Legislative Assembly election
- Referendum Financial Disclosure handbook
 - Volume 6:* for persons who receive donations or incur expenditure in relation to a referendum in the ACT

- Financial disclosure returns of political parties, candidates and third parties
- Register of Party and Independent Reporting Agents
- Register of Non-party Group and Candidate Reporting Agents

Disputed elections, eligibility and vacancies

- The validity of an election may only be disputed after the result of an election is declared by application to the Court of Disputed Elections for which the Supreme Court has jurisdiction to hear (section 252 and 256 of the Electoral Act).
- Persons entitled to dispute an election are the Commissioner, a candidate in the election or an elector entitled to vote in the election (section 257 of the Electoral Act).
- Anyone wishing to make an application disputing the election must do so within 40 days after the election is declared (section 259 of the Electoral Act).

Enforcement proceedings

- The Commissioner may, by notice in the *Gazette*, specify the boundaries of a polling place for the purpose of defining the area within which canvassing for votes is prohibited (section 303 of the Electoral Act).
- An officer may, if directed by the Commissioner, remove or obliterate a notice which the Commissioner or the officer believes on reasonable grounds to be in contravention of the ban on canvassing for votes within 100 metres of a polling place prohibited (section 303 of the Electoral Act).

- The Commission may apply to the Supreme Court for an injunction restraining a person's conduct if that conduct is in contravention of the Electoral Act or any other law of the Territory that applies to elections (section 321 of the Electoral Act).
- The Commissioner may apply to the Supreme Court for an injunction requiring a person to do a particular act or thing that they have refused to do and in doing so they have contravened this Act or any other law of the Territory that applies to elections (section 322 of the Electoral Act).
- The Commissioner shall investigate or refer to the appropriate authority for investigation any complaint of an alleged contravention of this Act unless the Commissioner believes the complaint to be frivolous or vexatious (section 325 of the Electoral Act).
- The Commissioner may prosecute non-enrolment and non-voting offences (section 326 of the Electoral Act).

Miscellaneous

- The Commissioner shall arrange for the publication of voting statistics, as soon as possible after an election (section 333 of the Electoral Act).
- The Commissioner shall ensure that electoral papers are securely stored until they are no longer required and then they are to be destroyed (section 335 of the Electoral Act).

Referendum (Machinery Provisions) Act 1994

The *Referendum (Machinery Provisions) Act 1994* applies the machinery provisions of the Electoral Act to the conduct of referendums. The Electoral Commission and the Electoral Commissioner are therefore invested with the same specified powers and

functions under this Act as under the Electoral Act in so far as those powers relate to the machinery conduct of referendums. The Commissioner is also invested with the following additional powers that relate specifically to referendums under this Act. All of these powers are exercised subject to another referendum law providing otherwise.

Powers of the Electoral Commissioner

- The Commissioner shall cause the for and against cases for a referendum question to be printed in a similar typeface and typestyle and posted to each elector or each household in the Territory (section 8 of the Referendum (Machinery Provisions) Act).
- The Commissioner may determine the colour of the paper on which referendum ballot papers are to be printed (section 11 of the Referendum (Machinery Provisions) Act).
- The Commissioner shall arrange for all unrejected ballot papers to be counted to ascertain:
 - the number of votes in favour of each referendum option;
 - the number of votes opposed to each referendum option; and
 - the total number of informal ballot papers; andas soon as practicable after the count is concluded, the Commissioner shall by notice in the *Gazette* set out the numbers so counted and declare the result of the referendum (section 14 of the Referendum (Machinery Provisions) Act).

Categories of documents

- For and against arguments for referendum questions.

Health Professions Boards (Elections) Act 1980

The *Health Professions Boards (Elections) Act 1980* provides for elections for various Health Professions Boards in the ACT.

The elections are conducted by a Returning Officer appointed by the Electoral Commissioner.

Functions and powers of the Electoral Commissioner and the Returning Officer

- The Electoral Commissioner shall appoint a person to be the Returning Officer for the purposes of an election (section 4 of the Health Professions Boards (Elections) Act).
- Where an election is to be held, the Returning Officer shall make the list of registered practitioners eligible to vote at the election available for public inspection (section 6 of the Health Professions Boards (Elections) Act).
- On receipt of a list of registered practitioners eligible to vote at an election, the Returning Officer shall post a notice to each person on the list informing that person of the dates fixed for the election, or cause a notice specifying the dates to be published in a newspaper (section 7 of the Health Professions Boards (Elections) Act).
- A Returning Officer may receive nominations of candidates for an election (section 8 of the Health Professions Boards (Elections) Act).
- Where a Returning Officer finds a nomination of a candidate to be defective, the Returning Officer shall, before rejecting the nomination, return it to the candidate and give the candidate the opportunity to correct the defect (section 11 of the Health Professions Boards (Elections) Act).
- After the close of nominations for an election, the Returning Officer shall declare the name and address of each candidate by notice in the Gazette (section 8 of the Health Professions Boards (Elections) Act).
- After the close of nominations for an election, if the number of candidates nominated for the election does not exceed the number of candidates to be elected, the Returning Officer shall declare the candidates to be elected by notice in the Gazette; if the number of candidates nominated for the election exceeds the number of candidates to be elected, the Returning Officer shall proceed to take a poll to decide the election (section 12 of the Health Professions Boards (Elections) Act).
- Where a poll is to be taken to decide an election, the Returning Officer shall send each registered practitioner voting papers (sections 15-17 of the Health Professions Boards (Elections) Act).
- Where a poll is to be taken to decide an election, the Returning Officer shall keep voting papers received for the election locked and sealed in a ballot box (section 19 of the Health Professions Boards (Elections) Act).
- A Returning Officer shall not admit to the scrutiny for an election any voting papers received after the close of the poll box (section 19 of the Health Professions Boards (Elections) Act).
- After the close of the poll for an election, the Returning Officer shall conduct a scrutiny of voting papers to determine the result of the election (sections 21-24 of the Health Professions Boards (Elections) Act).

- After the completion of the scrutiny in respect of an election, the Returning Officer shall declare the successful candidate or candidates elected by notice in the Gazette (section 25 of the Health Professions Boards (Elections) Act).
- A Returning Officer may, either on the request of a candidate or on his or her own motion, recount voting papers for an election (section 26 of the Health Professions Boards (Elections) Act).
- On receipt of a notice in writing from a candidate in the election requesting a recount of voting papers the Electoral Commissioner may, as he or she thinks fit, either direct the Returning Officer to conduct a recount of the voting papers or refuse to direct a recount (section 26 of the Health Professions Boards (Elections) Act).
- On refusal of a request made under section 26 a candidate may apply to the Administrative Appeals Tribunal for a review of the decision of the Electoral Commissioner (section 26 of the Health Professions Boards (Elections) Act).
- During a recount of voting papers, the Electoral Commissioner shall decide whether a voting paper reserved for his or her decision shall be admitted or rejected (section 27 of the Health Professions Boards (Elections) Act).

- Six months after the publication of the result of an election, the Returning Officer shall authorise the destruction of documents used in the election (section 28 of the Health Professions Boards (Elections) Act).

Categories of documents

- Lists of Registered Practitioners made available for public inspection for the purposes of Health Professions Boards elections.

Inquiries concerning access to documents or other matters relating to the Freedom of Information Act should be directed to:

The ACT Electoral Commission
Plaza Level
Allara House
50 Allara Street
Canberra City ACT 2601

Telephone (06) 2050224

or by writing to PO Box 272, Civic Square
ACT 2608.

Government Contractual Debts (Interest) Act 1994

- The *Government Contractual Debts (Interest) Act 1994* applied to all contracts entered into by the Electoral Commission during 1996/97.

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