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INTRODUCTION

This is the fourth Annual Report of the Australian Capital Territory Electoral Commission (the Commission). It covers the period 1 July 1995 to 30 June 1996.

While not a general election year, the Commission was involved in a wide range of activities. The highlights of the Commission's activities were:

- The Commission completed a review of the ACT electoral legislation following the first test of that legislation at the 18 February 1995 election.
- The Commission assisted the Government with the passage of one Electoral (Amendment) Act and the introduction of three Bills related to Community Initiated Referendums.
- Setting another milestone in the ACT's electoral history, the Commission conducted the first count-back to fill a casual vacancy in the Legislative Assembly in March 1996.
- Through the Australian Joint Roll Council, the ACT Electoral Commission contributed in 1995/96 to the development of proposals intended to significantly improve the administration of the electoral rolls. Implementation of these proposals should serve to alleviate some of the concerns expressed in this report on the quality of the electoral rolls at the 1995 election.
- The Commission completed following up non-voters and investigating possible instances of multiple voting from the 1995 election.
- The Commission continued to conduct mock elections and educational seminars for school and community groups. This program is aimed at raising community awareness, particularly among school students, of the operation of the Hare-Clark electoral system used to elect the Legislative Assembly.
- The Commission's electoral education program received a boost in September 1995 when the Commission's 1995 election education campaign was given an Award for Excellence by the Public Relations Institute of Australia.
- The Commission also conducted four elections under the *Health Professions Boards (Elections) Act 1980*, a responsibility allocated to the ACT Electoral Commissioner for the first time in 1995/96. These are relatively small elections for representatives on Health Professions Boards registered in the ACT. The elections are conducted using the Hare-Clark system.
- Commission officers gained valuable experience by assisting with the conduct of the 1996 Tasmanian State election and the 1996 Federal election. The Commission also assisted with elections in New South Wales, Victoria, Queensland, Western Australia, Tasmania and the Northern Territory by issuing pre-poll votes at its office.
- The Commission commenced the regular redistribution process in 1995/96. The process will conclude in 1996/97.

PART A — PROGRAM ACTIVITIES

OVERVIEW OF 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 (shown in 1995/96 Budget Paper No. 4 as Subprogram 10.4.4 within Community & Legal Services).

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 commenced a redistribution in April 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.

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 1996 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

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
To provide useful electoral information to the community that encourages participation in elections and referendums.	<ul style="list-style-type: none"> ■ Maintain and improve an information program for school age children — by providing mock elections, school visits, 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"> ■ Evaluations conducted during the information campaign indicate that the campaign has met the needs of the target audience. ■ Increase in demand for information and education programs as compared with the previous year. ■ 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.

Aim	Strategies	Performance Indicators
To develop an Access and Equity program.	<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
To foster a culture that practises the principles of Industrial Democracy (ID), Equal Employment Opportunity (EEO), and Occupational Health and Safety (OH&S).	<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.

PROGRAM PERFORMANCE REPORTING OUTCOMES AGAINST PERFORMANCE INDICATORS

This section reports on the Commission's performance in 1995/96 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

As foreshadowed in the Commission's 1994/95 Annual Report, in 1996 the Commission completed its review of the operation of the ACT electoral legislation following the 1995 election for the ACT Legislative Assembly.

On 27 June 1996 the Attorney General tabled the Commission's review in the Legislative Assembly.

The review examined the operation of the *Electoral Act 1992* (the Electoral Act) and related legislation following the conduct of the 1995 ACT Legislative Assembly election. It also took into account developments in electoral practices in other Australian jurisdictions.

The review was divided into two sections. The first section examined significant policy issues. The second section raised more technical issues.

Significant issues raised in the review included:

- canvassing mechanisms to put the Electoral Commission more at arm's length from Government;

- the possible establishment of an Assembly electoral matters committee to oversee the operations of the Electoral Commission, to review the operation of the electoral legislation and to inquire into the conduct of elections and referendums;
- clarifying the delineation between the Electoral Commission and the Electoral Commissioner;
- maintaining consistency between the ACT and Commonwealth funding and disclosure requirements;
- the inconsistency between formality rules and instructions on the ballot papers;
- ordinary voting by pre-poll voters;
- bringing forward the election timetable; and
- the effects of Robson rotation on preference distributions.

A copy of the review may be obtained from the office of the Electoral Commission.

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 1996. While initial reaction to the review as reported in the media appeared favourable, a full assessment of the review's effectiveness must await any response to the review made by the Government and/or the Assembly.

As reported in the 1994/95 Annual Report, 18 200 electors were sent notices for apparently failing to vote at the 1995 election.

Notices were not sent to electors whose declaration votes were rejected or to electors who had provided valid and sufficient reasons for failing to vote before notices were posted or where the Commissioner was aware that electors had died or were overseas.

1995 Legislative Assembly Election non-voters follow-up

The follow-up of non-voters from the 1995 ACT Legislative Assembly Election was finalised in 1995/96.

Voting is compulsory under section 129 of the Electoral Act, which provides that an elector who is entitled to vote shall not, without a valid and sufficient reason, fail to vote at an election.

At 30 June 1995, 13 375 electors had responded to one of the two notices sent to that date. Replies had not been received from 4 825 electors. In July 1995 a third and final reminder notice was sent to these apparent non-voters.

By November 1995, a total of 16 118 electors had responded to the notices. The following table shows the outcome of the responses to the three failure-to-vote notices.

Outcome of responses to non-voters notices	Number
Elector's claim to have voted was substantiated (notice sent to elector through official error or computer scanning error — see performance assessment below)	985
Elector's claim to have voted was not substantiated	406
Elector was found to have a valid and sufficient reason for not voting	3864
Elector was found not to have a valid and sufficient reason for not voting and penalty was not paid	47
Elector paid the \$20 penalty	1851
Letter to elector returned undelivered	4067
Notice given that elector had moved permanently interstate or overseas	4506
Elector unable to vote due to mental incapacity or infirmity	323
Elector had died	69
No reply	2082
Total	18200

TABLE 2 — Responses to non-voters notices

In November 1995 summonses to appear in the ACT Magistrates Court for failure to vote were issued to 2 129 electors.

Summonses were issued in all cases where an elector had not provided a valid and sufficient reason for failing to vote or had not responded to any of the three notices.

The Commission withdrew 184 summonses before they appeared in Court and withdrew a further 115 after the matter had appeared in Court. These cases were withdrawn typically where responses to the summonses indicated the electors had a valid and sufficient reason for failing to vote and the electors had not received any of the first three notices.

After the remaining cases were heard in the Magistrates Court, 1 808 electors were convicted and fines imposed, 1 elector was convicted with no fine imposed and 21 cases were dismissed.

The total amount of money collected for non-voter fines in 1995/96 was \$21 042. This figure includes \$8 960 collected by the Commission through \$20 fines and \$12 082 collected by the Magistrates Court through full and partial payments of \$50 fines.

PERFORMANCE ASSESSMENT — NON-VOTERS FOLLOW-UP

- The number of electors who were sent a failure-to-vote notice whose claims to have voted were substantiated was unacceptably high. Most of these cases occurred because significant numbers of voters who cast declaration votes were not included in the lists of electors sent for electronic scanning. This was the result of an error in the Commissioner's office. Procedures will be improved for the next election to ensure this error does not happen again.
- The number of electors who were sent a failure-to-vote notice whose claims to have voted were not substantiated was also unusually high. While these

electors were given the benefit of the doubt, it is possible that many electors in this category had confused the Legislative Assembly election with the House of Representatives Canberra by-election that took place a month later. The Commission has reached an agreement with the Australian Electoral Commission to coordinate non-voters correspondence should two elections be held close together in future. This should help to reduce any confusion.

- The Commission considered that the high number of cases where notices were returned undelivered, where advice was given that electors had moved permanently interstate or overseas and where notices were not replied to (a total of 10 655) indicated that the ACT electoral roll contained significant numbers of incorrectly enrolled electors. This was probably due in part to the fact that a roll review had not been conducted by the Australian Electoral Commission in 1994. The Commission intends to work with the AEC to ensure that a roll review is conducted in late 1997 to cleanse the roll before the 1998 election.
- The Commission also considered that the total number of electors who did not vote was unsatisfactorily high. This issue was considered by the Commission in its review of the electoral legislation, where it was suggested that the timing of the election may have partially contributed to the poor turnout. Other factors may have included the lack of interstate and overseas media attention devoted to the ACT election and anti-self-Government sentiments as well as the high proportion of incorrectly enrolled electors. The Commission intends to develop strategies to improve voter turnout before the next election.

Multiple Voters

Multiple voting is an offence under section 130 of the Electoral Act, which provides that an elector shall not vote more than once at an election.

As reported in the 1994/95 Annual Report, an examination of certified lists used at the 1995 election indicated that 54 names had been marked twice on certified lists. At 30 June 1995, letters had been sent to those 54 electors seeking further information.

Of these 54 electors: 25 were from Molonglo, 17 from Ginninderra and 12 from Brindabella.

Replies from these electors indicated that 12 electors had mistakenly appeared as multiple voters due to polling official error. These electors were sent letters of apology.

In 12 other cases, 12 persons who were not enrolled had voted in the names of enrolled electors who were closely related to them and had the same or a similar name (for example, a father and son with the same name living at the same address). In these cases each unenrolled person claimed that he or she believed he or she was enrolled. These unenrolled persons were sent warning letters and enrolment forms.

A further 3 electors had satisfactory explanations and no further action was taken (for example, one elderly person had voted before polling day and then voted again on polling day having forgotten he had already voted).

Another 22 electors who appeared to have voted twice claimed to have voted only once, but no evidence of polling official error could be found. In the absence of any conclusive evidence indicating that the persons named had committed an offence, no further action was taken.

Five electors failed to respond. Subsequent investigation indicated that these electors had apparently left their enrolled address. Again, in the absence of conclusive evidence, no further action was taken.

PERFORMANCE ASSESSMENT — MULTIPLE-VOTERS FOLLOW-UP

- Compared to other Australian jurisdictions, the number of apparently fraudulent multiple voters at the 1995 Legislative Assembly election — that is, persons deliberately voting more than once, was relatively small and not capable of having influenced any election outcome. While it is not difficult for a person to vote more than once in an election and escape detection, the low level of multiple voting apparent at the 1995 election demonstrates that imposing more onerous measures aimed at reducing the opportunities for multiple voting, such as issuing voter cards or restricting the number of polling places a voter may attend, would not appear to be warranted.
- The number of cases identified as apparent multiple voters that were in fact the result of official error was also relatively small. While the Commission's aim is to eliminate official error, it is difficult to ensure the correct name is marked where two electors have the same or similar names and the same or similar addresses.

Filling the casual vacancy following the resignation of Mr Terry Connolly MLA

On 19 February 1996 the Speaker of the ACT Legislative Assembly notified the Electoral Commissioner that Mr Terry Connolly MLA had that day resigned his office as a Member for the Molonglo electorate of the Legislative Assembly. Mr Connolly's resignation caused the first casual vacancy in the Legislative Assembly since the introduction of the Hare-Clark electoral system.

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.

The Electoral Commissioner published a notice in the *Canberra Times* on 4 March 1996 inviting unsuccessful candidates who stood for the Molonglo electorate 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.

Nine candidates had applied to contest the casual vacancy by the closing date of 14 March 1996. A recount of the ballot papers counted for Mr Connolly commenced on 14 March and ended on 19 March 1996. At the completion of the recount, with a quota for election of 4072 votes, Ms Marion Reilly had received 4452 votes. The following table shows the results of the recount.

Candidate	Votes
Appleyard, Nicola Australian Democrats	273
Spier, Lucinda Liberal Party	227
Corbell, Simon Australian Labor Party	765
Reilly, Marion Australian Labor Party	4452
Wilson, Michael Australian Labor Party	1690
McMahon, John Smokers Are Voters and Civil Rights	118
Davis, Natasha The ACT Greens	278
Rattenbury, Shane The ACT Greens	233
Boland, Mike Ungrouped	106
Exhausted votes	290
Votes gained by fraction	(2)
Total votes	8430
Quota*	4072

TABLE 3 — Results of the countback to fill the casual vacancy

*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.

The Electoral Commissioner declared Ms Marion Reilly elected to the ACT Legislative Assembly for the electorate of Molonglo on 21 March 1996.

The assistance of officers of the Tasmanian Electoral Office and the Australian Electoral Commission in the conduct of the recount is gratefully acknowledged.

PERFORMANCE ASSESSMENT — CASUAL VACANCY RECOUNT

- In her inaugural speech to the Legislative Assembly on 17 April 1996, the candidate elected to fill the casual vacancy, Ms Marion Reilly, praised the Electoral Commissioner and his staff for their conduct of the recount.
- Apart from minor postage and advertising costs, no additional costs were incurred in the conduct of the recount.

Interstate Electoral Services

In the course of 1995/96 the Commission provided pre-poll voting facilities for the Victorian, Queensland and Tasmanian State general elections and for State by-elections in New South Wales, Queensland, Western Australia and the Northern Territory.

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.

Commission officers also assisted with the conduct of the 1996 Tasmanian State election. One officer acted as Deputy Electoral Officer for 3 weeks prior to the election and another officer supervised the Hare-Clark scrutiny in the Lyons electorate. The Tasmanian Electoral Office met the travel costs for these officers. As Tasmania and the ACT share the Hare-Clark and Robson rotation systems, these staff exchanges provided valuable experience to the ACT officers concerned.

Commission officers also gained valuable experience with the Australian Electoral Commission at the 1996 Federal election National Tally Room.

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 number of voters, casual staff are employed in the ACT by the "home" electoral authority. Casual staff were employed at no cost to the ACT for the Victorian and Queensland general elections.
- 800 votes were issued to interstate electors at the office of the Commission in this reporting period. This figure compares with 1 000 such votes issued in 1994/95. A New South Wales State general election held in 1994/95 inflated the number of votes issued in that year.
- Issuing votes for other electoral jurisdictions and staff exchanges at election times provide valuable opportunities for training and benchmarking between jurisdictions.

Health Professions Boards Elections

In this reporting period the ACT Electoral Commissioner assumed responsibility under the *Health Professions Boards (Elections) Act 1980* for the conduct of Health Professions Boards elections. Responsibility for Health Professions Boards elections previously lay with the Australian Electoral Commissioner.

The Health Professions Boards (Elections) Act 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 1 700 registered voters and the Nurses Board has around 5 000 registered voters. The elections are all postal ballots.

Details of Board elections conducted, or commenced, in 1995/96 are provided in the following Table :

Board	Vacancies	Candidates	Ballot papers issued	Ballot papers returned
Chiropractors & Osteopaths	2	3	69	46
Pharmacy	3	3	Uncontested	Uncontested
Dental	3	5	227	123
Medical	3	9	1727	Close of Poll 12.8.96

TABLE 4 — Health Professions Boards Elections

In 1996/97 the Commission will undertake a review of the operation of the *Health Professions Boards (Elections) Act*.

PERFORMANCE — HEALTH PROFESSIONS BOARDS ELECTIONS

- All Health Professions Boards elections undertaken were conducted on time and in accordance with legislation.
- There were no legal challenges to any of 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.
- The cost of these elections was reduced for the Dental and Medical Board elections by ceasing to provide for post-free return mail.

Benchmarking with other Australian electoral authorities

The Commission used the forum of the Australian Joint Roll Council (the AJRC — see below under *Electoral Roll Maintenance*) to further the practice of benchmarking comparisons between the various Australian electoral authorities. While informal benchmarking has long been a feature of electoral administration — observing the activities of other jurisdictions to identify opportunities for improved and more efficient practices — benchmarking has not taken place on an organised basis across all Australian jurisdictions according to agreed standards.

Through an initiative of the ACT Electoral Commission, the AJRC agreed that benchmarking would be one of the two themes to be considered at the Australasian Conference of Senior Electoral Officials held on 4-5 July 1996. (The other theme to be considered was the training of polling officials.)

The Commission is hopeful that more systematic benchmarking across electoral authorities will lead to improved practices in the ACT for the 1998 election.

**PERFORMANCE ASSESSMENT —
BENCHMARKING COSTS OF ELECTORAL
SERVICES**

- The Commission's preliminary work on benchmarking the cost and effectiveness of electoral services with other electoral bodies (more fully explored at the Australasian Conference of Senior Electoral Officials held on 4-5 July 1996) indicates that cost comparisons with other electoral bodies need to take account of different accounting practices, organisational structures and statutory functions. Without taking these differences into account, simple cost comparisons are misleading.
- The Commission hopes to work with other electoral bodies in 1996/97 to arrive at a series of agreed benchmarks which can be used to compare costs across jurisdictions on a meaningful basis.

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 arrangements

Under the ACT/Commonwealth Joint Roll Arrangements entered into in 1994, the ACT Electoral Commissioner and the Commonwealth’s Australian Electoral Officer for New South Wales constitute a Joint Management Committee with responsibility for overseeing the operation of the Joint Roll Arrangements. This Committee meets regularly to discuss joint roll issues.

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. The AJRC was established in 1993 following a recommendation made by the Commonwealth Parliament’s Joint Standing Committee on Electoral Matters in its September 1992 report *The Conduct of Elections: New Boundaries for Cooperation*.

In its report, the Joint Standing Committee on Electoral Matters recommended that the AJRC consider 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.

In 1995/96 the AJRC commissioned a consultant, Australian Strategic Planning Pty Limited (ASP), to prepare a report on alternative methods of reviewing the electoral rolls.

The Electoral Commissioner attended six meetings of the AJRC in 1995/96. These meetings were in large part devoted to briefing ASP on relevant issues and being briefed by ASP on its considerations. As at 30 June 1996 the AJRC had received the final report from ASP and was considering its response to it. The recommendations made in the report had not been made public at that time. In May 1996 the ACT Electoral Commissioner was appointed to an AJRC subcommittee overseeing a pilot study aimed at testing the viability of ASP’s recommendations.

PERFORMANCE ASSESSMENT — ELECTORAL ROLL MAINTENANCE

- At 30 June 1996 there were 204 483 electors on the ACT electoral roll. In preparing population estimates and enrolment projections for the 1996 redistribution, the Australian Bureau of Statistics estimated that 96.7% of the ACT population eligible for enrolment in February 1996 were on the electoral roll. This compares favourably with the target of 95% set out in the Strategic Plan.
- Roll accuracy is most effectively tested by the election process. Australian Electoral Commission statistics from the federal election in March 1996 showed that around 97% of electors on the ACT roll either cast a vote for the address at which they were enrolled or responded to non-voters notices indicating they were correctly enrolled. This indicates a high level of roll accuracy at that date and compares favourably with the target of at least 90% accuracy set out in the Strategic Plan.
- 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 Arrangements per year. This is paid on a per elector basis and indexed to the CPI. At the end of 1995/96 the cost per elector paid by the ACT was \$0.588. This compares favourably with the costs paid by New South Wales (\$0.66), Victoria (\$0.63), Queensland (\$0.64), Tasmania (\$0.72) and the Northern Territory (\$0.71). There are no equivalent costs available for South Australia and Western Australia.
- As discussed above under benchmarking, caution should be exercised when comparing costs across jurisdictions. The services provided by the Australian Electoral Commission under the various Joint Roll Arrangements differ for each jurisdiction, as does the "in-house" processing of the roll information provided to each State and Territory. Nevertheless, the in-house costs of roll maintenance incurred

by the ACT in addition to the cost per elector are relatively small.

Advice to Government on electoral legislation

The Commission played a significant role in advising the Attorney General on development of the following pieces of Government legislation during the year. This advisory role included conducting research on Community Initiated Referendums, briefing the Attorney General on relevant issues, drafting Cabinet documents, instructing Parliamentary Counsel, and drafting Explanatory Memorandums, Presentation Speeches and the Government's response to the Report of the Select Committee on Community Initiated Referendums.

Electoral (Amendment) Act 1995

On 17 October 1995 the Legislative Assembly passed the *Electoral (Amendment) Act 1995*, a Government measure presented to the Assembly on 11 May 1995. This Act amended the *Electoral Act 1992* to prohibit canvassing for votes and dissemination of electoral matter within 100 metres of a polling place during polling.

This Act brought the ACT Hare-Clark system closer to the Tasmanian Hare-Clark model. Tasmania has prohibited canvassing for votes and dissemination of electoral matter within 100 metres of a polling place during polling since 1949.

Implementation of this prohibition on canvassing will mark a significant change in the way in which elections are conducted in the ACT. In particular, the absence of how-to-vote cards will alter the amount of information available to voters at the polling place. To ensure that voters will be aware of this change, the Commission intends to concentrate on this aspect of the electoral system in its information campaign for the next election.

Community Initiated Referendum legislation

On 23 November 1995 the Attorney General presented the Community Referendum Bill 1995 to the Legislative Assembly. The purpose of this Bill was to provide for a Community Initiated Referendums mechanism to give ACT electors the power to initiate changes to the laws of the ACT to the extent permitted by the *Australian Capital Territory (Self-Government) Act 1988*.

The Bill contained many provisions that, if passed, would impose various functions on the Electoral Commissioner. These included vetting and registering legislative proposals, verifying signatories to petitions calling for referendums, distributing arguments for and against proposals to electors, and the conduct of the referendums as required. Of particular importance to electoral administration in the ACT, the Bill provided for referendums to be held concurrently with general elections to the Assembly where at least 5% of electors had signed a request to hold a referendum, and for referendums to be held in certain circumstances in non-election years on the third Saturday in February where more than 10% of electors had signed a referendum request.

On the same day (23 November 1995) the Attorney General also presented the Government's response to the Report of the Select Committee on Community Initiated Referendums. This Report was presented to the Assembly on 10 November 1994. The Government response indicated the Government's wish to proceed with Community Initiated Referendums legislation.

On 14 December 1995 the Attorney General presented the Community Referendum Laws Entrenchment Bill 1995 to the Legislative Assembly. This Bill was a companion to the Community Referendum Bill. The Community Referendum Laws Entrenchment Bill was intended to seek to entrench the Community Referendum Bill under the entrenching mechanism set out in the *Australian Capital Territory (Self-Government) Act 1988* and to prevent the Assembly from altering laws made by referendum in certain circumstances.

Later on 14 December 1995, the Assembly debated and rejected the Community Referendum Bill 1995.

The Attorney General presented the Community Referendum Bill 1996 to the Assembly on 27 June 1996. This Bill was essentially identical to the Community Referendum Bill 1995. As at 30 June 1996, the Assembly had yet to debate the Community Referendum Bill 1996 or the Community Referendum Laws Entrenchment Bill 1995.

Electoral (Amendment) Bill 1996

On 17 April 1996 ACT Greens MLA Ms Kerry Tucker presented the Electoral (Amendment) Bill 1996 to the Assembly. The Bill proposed to lower the voting age for the ACT Legislative Assembly from 18 to 16.

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

As at 30 June 1996 the Assembly had not debated this Electoral (Amendment) Bill.

PERFORMANCE ASSESSMENT — ADVICE TO GOVERNMENT ON ELECTORAL LEGISLATION

- It is difficult to measure the effectiveness of advisory services of the above nature. One indicator is that the *Electoral (Amendment) Act 1995* passed the Assembly without amendment, indicating that the Bill was effectively drafted. While the Community Referendum Bill 1995 did not pass the Assembly, this was not because of any technical flaws in the Bill, and the Standing Committee on Scrutiny of Bills and Subordinate Legislation did not identify any major technical flaws in the Bill.
- The Commission received positive feedback from the Attorney General's Office and the Chief Minister's Office on the quality of its work on the Community Referendum Bills.

Provision of advice to other clients

In 1995/96 the ACT Electoral Commission responded to a wide range of requests for advice from the general public and other clients. The non-voter follow-up and the March 1996 federal election in particular generated significant levels of correspondence and telephone and counter inquiries.

The Commission's focus on providing outstanding services to its clients according to the standards set out in its Strategic Plan was highlighted by the Commission's participation in the Government's Customer Commitment Program in 1995/96. The Commission's Commitment to Service Statement developed for the Program clearly sets out who the Commission's customers are and what they can expect from the Commission.

PERFORMANCE ASSESSMENT — PROVISION OF ADVICE TO OTHER CLIENTS

- The Commission's correspondence register indicates that all correspondence sent to the Commission's office was satisfactorily responded to within four weeks.
- The Commission has a policy of responding to all telephone requests on the same day or by the next working day at the latest. All staff are trained to respond to general requests for information, so that most telephone requests are answered immediately. Counter enquiries similarly are generally handled on the spot. Client feedback indicates that clients' needs were met by 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 1995 there were nine parties on the Register. Two parties were removed from the Register in 1995/96: the Abolish Self-Government Coalition and Smokers are Voters and Civil Rights.

The Abolish Self Government Coalition applied for voluntary de-registration and its registration was cancelled on 20 March 1996.

On 30 August 1995 the Commission set aside the decision to register Smokers are Voters and Civil Rights as a political party. This decision was made following receipt of three objections to the registration of the party during the pre-election period for the 1995 election.

The Commission decided to reject the party's application for registration on the ground that the party had failed to provide a copy of its constitution with its application for registration.

The Commission determined that, in the absence of any definition of "constitution" in the Electoral Act, it was open to it to set minimum standards which a document should meet for it to be deemed to be a constitution within the ordinary meaning of the term. The Commission therefore determined that, for a document to be accepted as a constitution of an "eligible political party", evidence should be provided that it had been ratified by a general meeting of members and it should contain at least the following elements:

- The name of the party;
- The functions and/or objectives of the party;
- Membership requirements;
- Details of office bearers of the party, including the method of choosing office bearers and their terms of office;
- Details related to the keeping of accounts; and
- The mechanism for changing the constitution.

The Commission was of the view that the document submitted as the constitution of Smokers and Voters and Civil Rights did not meet these minimum requirements.

Notwithstanding this decision, Smokers are Voters and Civil Rights was a legally registered political party for the period 11 January 1995 to 30 August 1995.

At 30 June 1996 the following seven 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

TABLE 5 — Registered political parties as at 30 June 1996

**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) are required to lodge an annual return disclosing total amount of receipts and expenditure and details of outstanding debts as at the end of the financial year.

For the financial year 1994/95 the Commissioner received 12 annual returns. Ten of these were submitted by registered political parties and 2 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. These returns were made available for public inspection from 1 February 1996.

One party deregistered in 1994 — the Canberra Party — failed to lodge its 1994/95 annual return for the period that it was registered. The party had not appointed a reporting agent. The person who was the registered officer of the party was deemed by the Commissioner to be the reporting agent through the default provision of section 204 of the Act. The matter was referred to the Director of Public Prosecutions (DPP).

The DPP did not consider any prosecution of the person who was the registered officer to be justified. The registered officer ceased to hold that office when the party was deregistered. That person had not been appointed as reporting agent and only had the obligations of a reporting agent by virtue of being the registered officer. The DPP advised the obligation to lodge the annual return was on the reporting agent and it would be inappropriate to prosecute any other person.

The interpretation placed on section 204 by the DPP creates a problem with enforcing the offence of failing to submit an annual return where a party has not appointed a reporting agent and is subsequently deregistered. This interpretation may allow a party to avoid the disclosure laws by failing to appoint a reporting agent and then voluntarily deregistering itself after polling day. In its review of the electoral legislation the Commission has recommended that the Act be amended to ensure that, where a party has failed to appoint a reporting agent, it is clear that the registered officer carries all the responsibilities of a reporting agent, including cases where a party has been deregistered.

Changes to the Commonwealth Funding and Disclosure Provisions

The ACT's election funding and financial disclosure (FAD) provisions enacted in 1994 were modelled closely on the comparable Commonwealth provisions. The then ACT Government's intention was to maintain consistency with the Commonwealth FAD scheme. In 1995 the Commonwealth made significant changes to its FAD scheme.

The Commission supports maintaining consistency with the Commonwealth FAD scheme. However, as reported in its review of the electoral legislation, the Commission is concerned that some aspects of the 1995 Commonwealth changes have the potential to weaken the effectiveness of the disclosure laws.

The Commission intends to explore this matter further during Assembly consideration of its review.

1995 Election returns

After each election and/or referendum, returns are required to be lodged by candidates, broadcasters, publishers and certain third parties (that is, individuals or interest/lobby groups other than candidates and political parties that incur political expenditure or make political donations).

In the Commission's 1994/95 annual report, it was noted that 5 candidates' and 2 third parties' returns were outstanding. All outstanding returns have since been lodged. A further 10 third parties submitted late returns to the Commission in 1995/96 after they were identified in party annual returns.

PERFORMANCE ASSESSMENT — FUNDING AND DISCLOSURE

- In-house processing of late returns relating to the 1995 Legislative Assembly election and annual returns for the 1994/95 year found the returns to have substantially complied with the Electoral Act, with the exception that some returns were submitted after the due date.

Redistribution of ACT electoral boundaries

Following the first distribution of electoral boundaries conducted in 1993, a redistribution of electoral boundaries is required to commence 2 years before each general election for the ACT Legislative Assembly. Consequently the Commission initiated the first redistribution of the ACT electoral boundaries in 1996.

The Commission is required to appoint a Redistribution Committee for the purposes of each redistribution. Before appointing the 1996 Redistribution Committee, the Commission published projected enrolment statistics derived from projected population data prepared by the Australian Bureau of Statistics (ABS). The Commission also took note of the announcement of the 2 March 1996 federal election and considered it desirable that the public consultation period not start until after the election.

The Commission appointed a Redistribution Committee on 24 April 1996. As at 30 June 1996, the members of the Committee were:

Mr Phillip Green

Electoral Commissioner
(Chairperson)

Mr Gary Prattley

Chief Planner

Mr Edwin Hyde

Chief Surveyor

Mrs Jan Woodward

Appointed member

TABLE 6 — Members of the 1996 ACT Redistribution Committee

The Redistribution Committee held its first meeting on 30 April 1996. Following this meeting, a notice inviting suggestions and comments was published on 8 May 1996 in the ACT Government *Gazette* and in the *Canberra Times*. The notice stated that suggestions must be lodged with the Redistribution Committee by 5 June 1996 and comments on suggestions must be lodged by 19 June 1996.

On 5 June 1996, when the period for suggestions closed, the Redistribution Committee received six submissions. One further submission commenting on the suggestions lodged was received by the Redistribution Committee when the period for comments closed on 19 June 1996.

The Redistribution Committee published its proposed redistribution on 24 July 1996. The redistribution process is expected to be completed before the end of 1996.

**PERFORMANCE ASSESSMENT — 1996
REDISTRIBUTION**

- As at 30 June 1996 the redistribution process was proceeding in a timely and efficient manner. Various measures had been undertaken to reduce the cost of the redistribution process, including reducing the size of public notices published in the Canberra Times, using public relations activities to generate publicity for little cost, and printing documents in-house.

- The single most significant cost in the redistribution process is the preparation of population and enrolment projections by the Australian Bureau of Statistics. This cost \$8000 in 1996. This cost was less than the cost incurred for the 1993 redistribution as projections in 1996 were undertaken at Statistical Local Area (or suburb) level compared to projections at the Census Collection District level used in 1993.
- The Commission is constrained to use ABS for this service as the Commission considers ABS is the only authoritative body suitable to undertake population projections of this nature. This view is supported by the 1995 report on Electoral Redistributions published by the Commonwealth Parliament's Joint Standing Committee on Electoral Matters. That report recommended that the Australian Electoral Commission consult ABS on the methodology for enrolment projections.

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

1995 Election Community Education Campaign

The 1995 ACT Election Community Education Campaign was given an Award for Excellence in the Community Communication category by the ACT Branch of the Public Relations Institute of Australia on 15 September 1995. The award was shared by the ACT Electoral Commission, its public relations consultants, Capital Public Relations, and its advertising company, Neville Jeffress.

Electoral Education program

The ACT Electoral Commission provides electoral education to school, community and professional groups. In 1995/96 the Commission conducted 15 mock elections and educational seminars for school and community groups. This program is aimed primarily at raising community awareness of the operation of the Legislative Assembly and of the Hare-Clark electoral system.

Many of the Commission's education sessions are 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. The cooperation and assistance of the Australian Electoral Commission's

Electoral Education Centre and National Curriculum Project Officer is gratefully acknowledged.

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 inservice 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 relevant school and community civics education activities sponsored by the ACT Chapter of the Constitutional Centenary Foundation.

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 1995/96 financial year:

ORGANISATION TYPE	ORGANISATION NAME	NUMBER OF PARTICIPANTS
Primary School	Garran Primary School	30
	Richardson Primary School	30
	Sacred Heart Primary School, Pearce	100
Secondary Schools	Canberra Church of England Girls Grammar School	60
	Canberra Church of England Girls Grammar School	75
	Kaleen High School	60
	Lyneham High School	60
	Melrose High School	60
	Narrabundah College	20
Community Groups	AUSAID	20
	Migrant Resource Centre	20
	Proportional Representation Society	6
	University of the Third Age	10
	University of the Third Age	10
Professional Groups	ACT Education Department Social Service teachers inservice	30
	Commonwealth Electoral Educators inservice	12
	Legislative Assembly Seminar for Public Servants	80
Total		683

TABLE 7 — Electoral education provided to organisations during 1995/96

PERFORMANCE ASSESSMENT — ELECTORAL EDUCATION

- The 1995 ACT Election Community Education Campaign's receipt of an Award for Excellence in the Community Communication category by the ACT Branch of the Public Relations Institute of Australia indicated the success of that campaign.
- While the Commission has given face-to-face education sessions to fewer participants than in 1994/95, this is largely attributable to the lower profile of ACT elections in a non-election year. The Commission, in cooperation with the Legislative Assembly Education Office,

met all requests to deliver education sessions received in 1995/96.

- An average of two requests for printed electoral education resources per week were received by the Commission in the year. This indicates that the number of target group members reached by the education program is steadily increasing.
- The Commission has received considerable positive feedback, 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

In preparation for the next ACT Legislative Assembly election, due in February 1998, the Commission has developed an Access and Equity program that will build on the strategies implemented during the 1995 Legislative Assembly election.

While further development of the Access and Equity program will take place in 1996/97, the Commission anticipates that the following strategies will be adopted for the 1998 election:

- 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.

In the lead-up to the next election, the main Access and Equity strategy implemented in 1995/96 was the electoral education program, which is particularly aimed at young people and community groups.

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

As related elsewhere in this Report, the Commission employed a range of strategies in 1995/96 to foster an environment of continuous improvement. These strategies included a substantial review of the ACT's electoral legislation, benchmarking with other electoral bodies and an in-house review of strategic planning. New tasks undertaken in 1995/96, such as the Health Professions Boards elections and the recount to fill the Molonglo vacancy also encouraged Commission staff to develop best-practice procedures to meet new challenges.

This environment in turn contributed to the provision of satisfying work and development opportunities for all staff. In particular, the opportunity to assist with the Tasmanian and Federal elections provided valuable development opportunities.

The ACT Government's move to accrual accounting in 1995/96 also presented Commission staff with a new challenge. The introduction of the new accounting procedures resulted in additional work for Commission staff during the year.

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

PERFORMANCE ASSESSMENT — BEST POSSIBLE MANAGEMENT PRACTICE

- Feedback from staff indicates that staff members consider that the Commission has a strong culture rooted in continuous improvement and ID, EEO and OH & S, which in turn contributes to satisfying work and development opportunities for all staff.
- As indicated below under Part B, a range of staff development and training measures were implemented in 1995/96. 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 only two work-related accidents in 1995/96. These were minor and no Comcare claims were lodged.

OUTLOOK

In 1996/97 the ACT Electoral Commission will focus on preparations for the 1998 election. The Commission intends to build on the lessons learned from the 1995 election to ensure that the 1998 election is conducted even more efficiently and at less cost to the ACT community. In particular, the Commission expects the following developments to take place in the coming years.

- 1996/97 will see the completion of the first redistribution of the electoral boundaries of the ACT.
- Preparations undertaken in 1996/97 for the 1998 Legislative Assembly election will include: the revision of forms and procedures; further exploration of areas for computerisation such as the scrutiny, the Funding and Disclosure scheme, the issue of postal and pre-poll votes and the payment of polling officials.
- In 1996/97, the Commission hopes to work with the Government and the Assembly on the Commission's recommended amendments to the Electoral Act and to continue to provide advice on electoral matters.
- The Commission intends to further expand its electoral education program, building on established links with educational institutions and community groups.
- In 1996/97 the Commission hopes to provide electoral information on the Internet.
- The Commission hopes to expand its provision of electoral services to other bodies, as it did in 1995/96 with the Health Professions Boards.
- The Commission will monitor the progress of the Community Initiated Referendums legislation and continue to advise the Government and Assembly on Community Initiated Referendums as required.
- The Commission will continue to participate with the electoral authorities of the States, the Northern Territory and the Commonwealth in the deliberations and initiatives of the Australian Joint Roll Council.

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 (shown in 1995/96 Budget Paper No. 4 as Subprogram 10.4.4 within Community & Legal Services).

The financial transactions for the Commission for 1995/96 are formally reported in the consolidated financial statements included in the Attorney General's Department's Annual Report.

The following financial statement is presented for information. The statement is confined to cash reporting only. The Electoral Commission has been audited for the purposes of the *Audit Act 1989* as part of the Attorney General's Department.

Note that the accommodation cost shown was a notional amount devolved to the Commission by the Department of Urban Services, based on estimated 1994/95 costs. As the Commission's accommodation needs were greater in the election year, the actual cost incurred by the Commission in 1995/96 was less than this notional amount.

Financial Statement 1995/96

Administration*	
Administration general	\$12358
Advertising	\$176
Comcare	\$1600
Computing purchases	\$235
Equipment repairs & maintenance	\$10512
Fringe Benefits Tax	\$4493
General consultants	\$19840
Office machine purchases	\$1921
Official telephones	\$7751
Part-time Commission Members	\$40839
Postage	\$10955
Printing	\$8508
Semi official telephone	\$232
Senior Officers benefits	\$120
Staff training	\$4040
Supplies general	\$4016
Taxi/car hire	\$818
Travel	\$4266
Vehicle	\$7714
Sub-Total of Administration Costs	\$140394
Electoral Roll Costs	
Enrolment computer costs	\$2909
Joint roll costs	\$119521
Printing of rolls	\$2337
Sub-Total of Electoral Roll Costs	\$124767
Salaries	
Staff	\$242755
Accommodation	
Rent	\$159800
Total	\$667716

TABLE 8 — Electoral Commission Budget 1995/96

* In 1995/96 the Commission received revenue of \$21042 from non-voter penalties.

PART B — GOVERNMENT WIDE INITIATIVES

FREEDOM OF INFORMATION

The following statement is correct as at 30 June 1996 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.

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).
- 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).

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 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 for 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 2 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 there 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).

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).

- 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).
- 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 with silent electors addresses suppressed, 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 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, 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 ballot box empty, 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; and gives the spoiled ballot paper to the officer (section 157 of the Electoral Act).
- An officer who receives a spoiled ballot paper shall write “spoilt” 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 scrutines 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).
- On a claim for payment for election funding, the Commissioner shall pay the claimant the amount, if any, determined under the Electoral Act (section 212 of the Electoral Act).
- The Commissioner shall give a review statement about his or her decision on the determination of a claim together with the determined amount (if any) of the payment due, to the claimant (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 claims for election funding and 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 claim or return (section 243 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 determine claims for payment for election funding (section 211 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 persons' 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 is to 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; and

as 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
 ACT Administration Centre
 1 Constitution Avenue
 Canberra City ACT 2601

Telephone (06) 2050236

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

COMMISSIONER FOR THE ENVIRONMENT

The Commission has not contributed to the Environment Commission’s Annual Report in 1995/96. 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.

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, 1995/96, the Commission had 4 permanent full-time staff members:

Electoral Commissioner
 (statutory office holder)

Deputy Electoral Commissioner
 (Senior Officer Grade C)

Administrative Officer Grade 6

Administrative Officer Grade 4

TABLE 9 — 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*.

This staffing breakdown is identical to that at Pay 26, 1994/95.

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 staff of the Commission as at 30 June 1996:

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

TABLE 10 — Electoral Commission staff by EEO groups

ACCESS AND EQUITY

The Commission's Access and Equity program is discussed above in Part A under Goal 3.

INDUSTRIAL DEMOCRACY

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 Industrial Democracy performance is assessed above in Part A under Goal 4.

OCCUPATIONAL HEALTH AND SAFETY

In maintaining its office and in its election planning, the Commission gives careful consideration to Occupational, Health and Safety principles. In 1995/96 the Commission took steps to remove clutter in its offices (mostly election materials used in the non-voter follow-up), while one officer renewed formal first aid qualifications to take on the role of first aid officer.

The Commission's Occupational Health and Safety performance is assessed above in Part A under Goal 4.

TRAINING AND STAFF DEVELOPMENT

During 1995/96, all permanent staff of the Commission attended staff training and development programs. The expenditure for staff training and development represented approximately 1% of salaries for the year.

In addition to these “formal” training and development opportunities, further valuable experience was gained through staff exchanges with the Tasmanian Electoral Office, through assisting other electoral bodies with issuing pre-poll votes and

assisting the Australian Electoral Commission in the National Tally Room.

The following table sets out the training expenditure by the Commission in the 1995/96 financial year.

Staff member	Course Name	Cost (\$)
ASO 4	ORACLE end-user training. Accrual Accounting Training. Accrual Accounting Policies and Procedures in the context of Financial Management Administrative Law. Microsoft Access	2350
ASO 6	PSC : Women Managers in the 90's. Freedom of Information: Introductory Seminar.	760
SOG C	Word for Windows version 6. Freedom of Information: Introductory Seminar. Freedom of Information: Section 41	475
Electoral Commissioner	Development of Outputs & Outcomes. Reshaping the ACT.	455
	Total	4040

TABLE 11 — Training courses attended by permanent staff of the Electoral Commission in 1995/96

FRAUD PREVENTION

The Commission continued to employ the following fraud prevention strategies in 1995/96:

- implementation of improved office administration procedures, especially as they relate to the use of cabcharge and petty cash handling; and
- implementation of the recommendations of an external audit of the Commission's computer system, undertaken in 1994/95, to reduce the possibility of financial or electoral fraud.

ECO WORKPLACE SCHEME

The Commission uses 100% recycled paper in all cases except where recycled paper is not suitable. Where possible, materials for the 1995 ACT election, including the ballot papers were printed on 100% recycled paper. Paper from plantation timbers was used where recycled paper was not suitable. All cardboard equipment from the election (ballot boxes, voting screens etc.) that could not be reused, were pulped and recycled. The Commission will retain this policy in relation to election resources in future years.

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.

PUBLIC INTEREST DISCLOSURE

The *Public Interest Disclosure Act 1994* requires each ACT Government agency to establish procedures to facilitate the making of public interest disclosures. The Electoral Commissioner, as a statutory office holder within the Attorney General’s portfolio, is included in the procedures adopted by the Attorney General’s Department. Accordingly, public interest disclosures involving the Commissioner or the staff of the Commissioner may be lodged with the Attorney General’s Department.

During 1995/96 no public interest disclosures related to the Electoral Commissioner were lodged.

CONSULTANCY AND CONTRACTING SERVICES

In the course of the 1995/96 financial year the Commission employed the following consultants and contractors:

- Synerlogic Open Systems to maintain the computer system for the office. Cost in 1995/96: \$3 400.
- Australian Bureau of Statistics to produce a population and enrolment projections for the 1996 Redistribution of ACT electoral boundaries. Cost in 1995/96: \$8 000.
- Deloitte Touch Tohmatsu for the audit of Funding and Disclosure Returns. Cost in 1995/96: \$8 350.

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