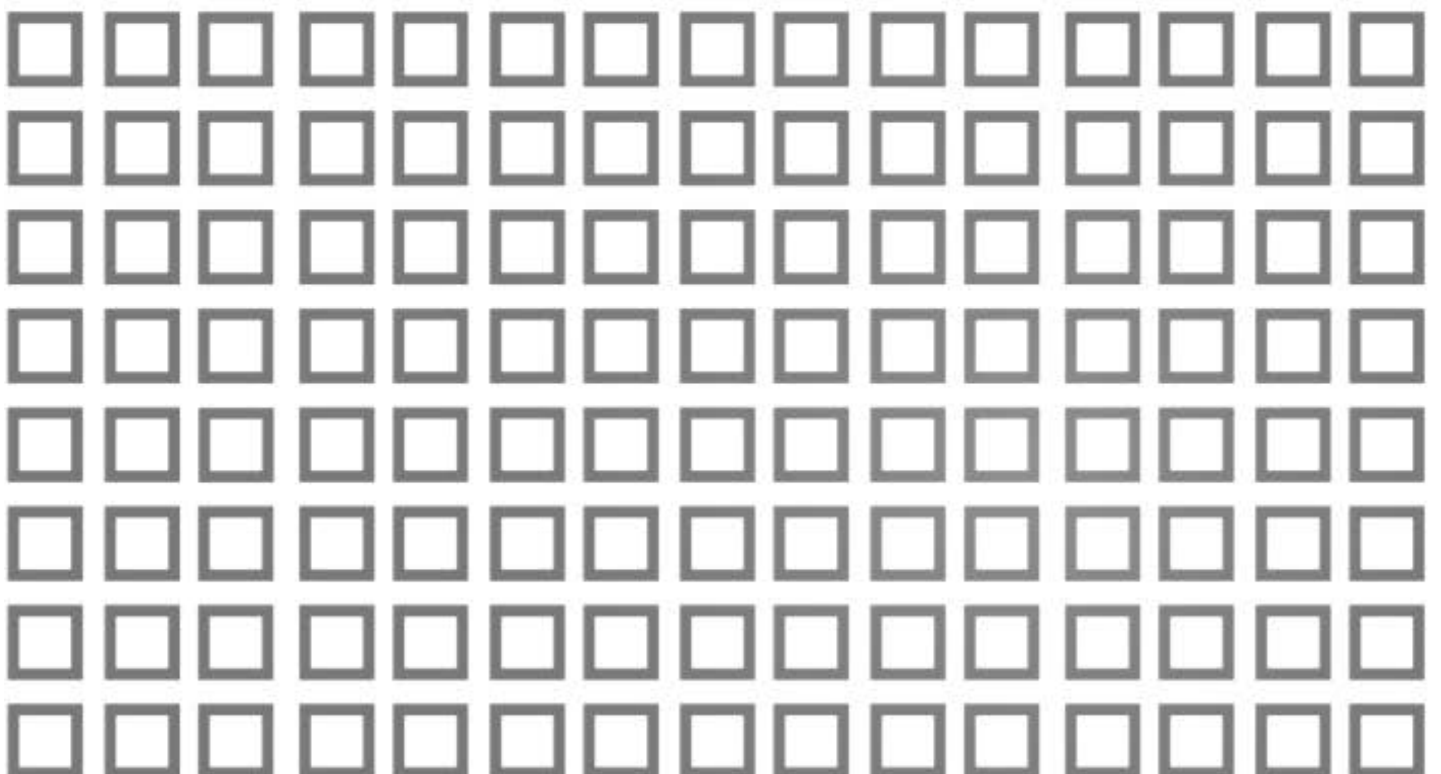


Elections ACT

ACT Electoral Commission

Annual Report 2013/2014



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Mrs Vicki Dunne MLA
Speaker
Legislative Assembly for the ACT
London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

Part A: ACT Electoral Commission annual report 2013/2104 transmittal certificate

This Annual Report has been prepared under section 6(1) and section 6(3) of the *Annual Reports (Government Agencies) Act 2004*. It includes an account of the management of the ACT Electoral Commission during the 2013/2104 financial year.


Section 9(2) of the Annual Reports (Government Agencies) Act provides that the Chief Minister's Annual Report Directions do not apply to officers of the Legislative Assembly, including the ACT Electoral Commission. Nevertheless, the Commission has endeavoured to comply with the Chief Minister's Annual Report Directions insofar as they are relevant to the operations of the Commission.

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

We hereby certify that the attached Annual Report is an honest and accurate account and that all material information on the operations of the ACT Electoral Commission during the period 1 July 2013 to 30 June 2014 has been included.

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

Section 15 of the Annual Reports (Government Agencies) Act requires that you cause a copy of the Report to be laid before the Legislative Assembly within 3 months of the end of the financial year.



Roger Beale AO
Chairperson

15 September 2014



Phillip Green
Electoral Commissioner

15 September 2014



Dawn Casey
Member

15 September 2014

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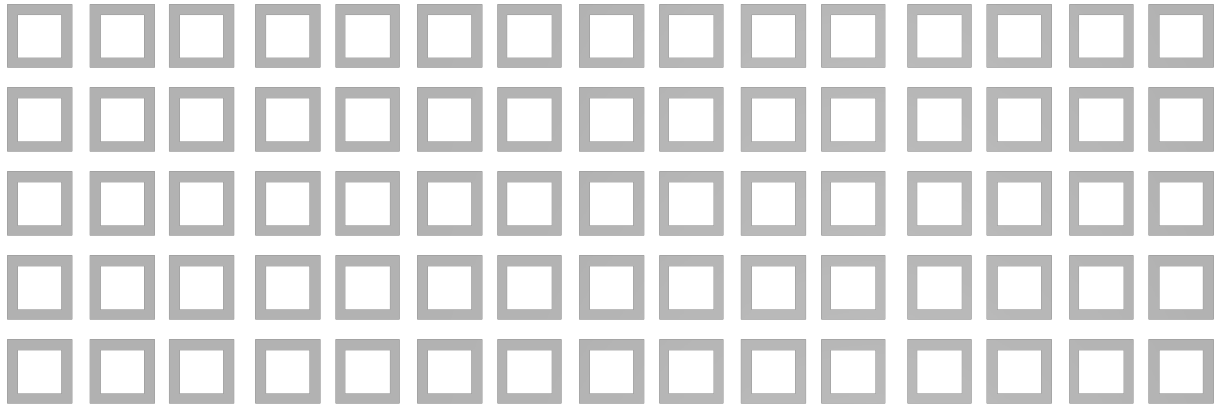
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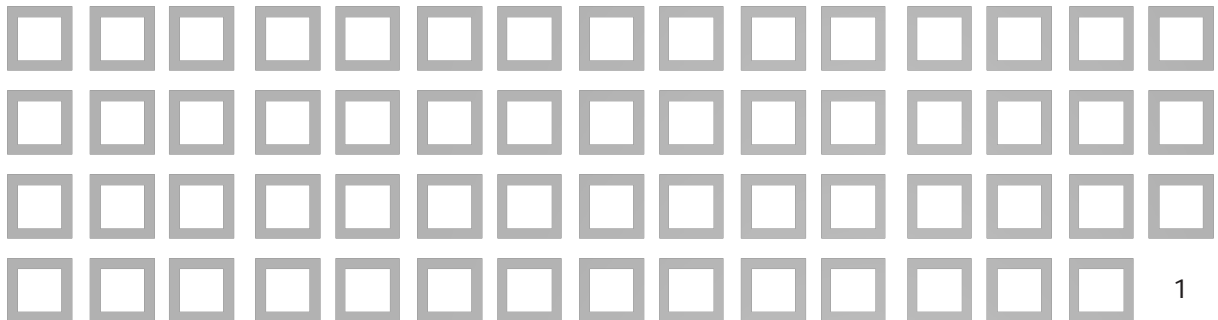
Glossary

| Term | Description |
|------------------------|---|
| ACT | Australian Capital Territory |
| ACTPS | Australian Capital Territory Public Service |
| AEC | Australian Electoral Commission |
| ALP | Australian Labor Party (ACT Branch) |
| ANU | Australian National University |
| Commission | ACT Electoral Commission |
| Commissioner | Electoral Commissioner |
| CPI | Consumer Price Index |
| ECANZ | Electoral Council of Australia and New Zealand |
| Elections ACT | The office of the Electoral Commissioner and the staff appointed to assist the Commissioner |
| Electoral Act | <i>Electoral Act 1992</i> |
| FOI | Freedom of Information |
| FOI Act | <i>Freedom of Information Act 1989</i> |
| Greens | The ACT Greens |
| Hare-Clark | The proportional representation electoral system used in the ACT |
| ICT | Information/communication technology |
| JACS | ACT Justice and Community Safety Directorate |
| Joint roll | The common ACT and Commonwealth electoral roll maintained under a formal government-to-government arrangement |
| LP | Liberal Party of Australia (A.C.T. Division) |
| MLA | Member of the ACT Legislative Assembly |
| MOU | Memorandum of understanding |
| Party | A political party registered under the Electoral Act |
| Redistribution | A redistribution of electoral boundaries |
| Shared Services ICT | The ACT Government information/communication technology management agency (previously known as InTACT) |
| STEC | State and Territory Electoral Commissioners |
| WHS | Workplace health and safety |



Part B: Performance reporting

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Organisational overview

Introduction

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

From 1 July 2014, the members of the Commission became officers of the Legislative Assembly, following the commencement of the *Officers of the Assembly Legislation Amendment Act 2013*. This change in the status of the Commission reinforced the Commission's statutory independence from the Executive. In particular, it altered the reporting lines set out in the Electoral Act.

In accordance with the changes made by this Amendment Act, this report is for the first time presented to the Speaker of the ACT Legislative Assembly. However, as the report relates to the financial year immediately before the commencement of the Amendment Act on 1 July 2014, it reports on the functions and operations of the Commission as they applied before the commencement of the Amendment Act.

This annual report is a joint report covering the operations of the ACT Electoral Commission and the operations of the Electoral Commissioner and the staff employed to assist the Commissioner. Under the Electoral Act and other relevant legislation, the Commissioner exercises some functions independently of the Commission. It is important to distinguish between the functions of the Commission and the office of the Electoral Commissioner.

Roles, functions and services

The most important function undertaken by the Commission and the Commissioner is to conduct elections for the ACT Legislative Assembly. An election for the Assembly was held on 20 October 2012. The next Assembly election is due to be held on 15 October 2016.

The Commission is responsible under the Electoral Act for key over-arching electoral functions. In the year under review these functions included advising the Minister; providing information and advice to the Assembly, the Executive, agencies, political parties, MLAs and candidates; conducting education and information programs; conducting research; publishing electoral material; providing fee-for-service electoral goods and services; and conducting ballots for prescribed organisations. The Commission is also responsible for undertaking key electoral roles, such as taking part in the electoral boundaries redistribution process; and sitting as a review body where appeals are made challenging decisions made by the Commissioner or the Commissioner's delegates. In future years this report will reflect the lines of responsibility arising from the change in the Electoral Act which came into effect after this reporting period.

The Electoral Commissioner serves in a dual capacity as both a member of the Commission and as a statutory officer holder with independent powers and functions. The Commissioner is the chief executive officer of the Commission. In that role, the Commissioner manages the operations of the Commission under the guidance and direction of the full Commission, and undertakes the Commission's functions as the Commission's delegate. The Commissioner also has specific functions under the Electoral Act and other legislation that are given solely to the Commissioner. These include responsibility for most of the procedures related to the conduct of ACT Legislative Assembly elections and (in conjunction with the Australian Electoral Commission) the maintenance of the ACT electoral roll, as well as registration of political parties and administering the election funding, expenditure and financial disclosure scheme.

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

The Attorney General is the Minister responsible for electoral matters and in 2013/2014 the Commission was included in the Justice and Community Safety portfolio for administrative purposes. The Commission was included in Output Class 1.6 – Electoral Services. (From 1 July 2014, following the Commission's establishment as officers of the Legislative Assembly, the Commission will no longer be included in an executive portfolio.)

The Commissioner and the Justice and Community Safety Directorate have entered into a Memorandum of Understanding (MOU) that defines areas of responsibility and assistance between the two agencies. In particular, the MOU clearly delineates the statutory independence of the Commission and the Commissioner in the conduct of their respective roles under the legislative framework. This MOU was updated and re-signed on 27 May 2013. (Following the Commission's establishment as officers of the Legislative Assembly on 1 July 2014, the MOU was updated to reflect the new statutory structure and re-signed on 7 August 2014.)

A list of key activities undertaken in 2013/2014 is shown at **Performance highlights** on page 11.

Legislative framework

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

- *Electoral Act 1992;*
- *Electoral Regulation 1993;*
- *Magistrates Court (Electoral Infringement Notices) Regulation 2012;*
- *Referendum (Machinery Provisions) Act 1994;*
- *Proportional Representation (Hare-Clark) Entrenchment Act 1994;*
- *Aboriginal and Torres Strait Islander Elected Body Act 2008;* and
- *Health Professionals Regulation 2004* [for the Veterinary Surgeons Board only].

Organisational structure

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

Table 1 — Members of the ACT Electoral Commission

| |
|---|
| Mr Roger Beale AO <i>Chairperson</i> Reappointed until 28 February 2017 |
| Mr Phillip Green <i>Electoral Commissioner</i> Reappointed until 31 March 2015 |
| Ms Dawn Casey <i>Member</i> Appointed until 30 September 2015 |

Note: This table shows appointments in force on 30 June 2014.

The current Members of the Commission were appointed by the Executive under the Electoral Act. From 1 July 2014, Commission Members will be appointed by the Speaker as officers of the Legislative Assembly.

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

In April 2014 the Remuneration Tribunal determined that it would award a salary increase to the Electoral Commissioner from 1 July 2014 in light of the increased responsibilities conferred on the Commissioner by the legislation establishing the Commission members as officers of the Legislative Assembly.

The Electoral Commissioner has head of service and director-general powers under the Public Sector Management Act in relation to staff employed to assist the Commissioner. These staff, acting under the direction of the Commissioner, have been brought together under the operating title Elections ACT.

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

The Commissioner was assisted throughout 2013/2014 by 7 permanent officers employed under the Public Sector Management Act, together with a number of other staff employed under the Public Sector Management Act and the Electoral Act, to assist the Commissioner as necessary.

For more information on the Elections ACT staff positions see **Staffing Profile** on page 78.

Elections ACT's corporate plan, mission, vision and values

Elections ACT's mission is:

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

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

Elections ACT's most important function is to conduct elections for the Legislative Assembly. An election for the Assembly was held on 20 October 2012. The next election will be held on 15 October 2016.

Other tasks carried out by Elections ACT include electoral education, maintaining the register of political parties and the election funding, expenditure and financial disclosure scheme, assisting with redistributions of electoral boundaries, working with other electoral authorities to improve the accuracy of the electoral roll and providing electoral services to other organisations on a fee-for-service basis.

Elections ACT staff reviewed the Elections ACT corporate plan in 2012/2013 and developed a new plan for the 2013-2017 period.

The corporate plan includes a vision statement as well as a statement of values and guiding principles. The vision articulates Elections ACT's longstanding commitment to *continuous improvement through innovation and leadership*.

The values statement formally adopts the ACTPS values and behaviours of *respect, integrity, collaboration and innovation*.

The guiding principles recognise the special nature of Elections ACT's role as an independent electoral authority, adopting the guiding principles of *transparency, accessibility, impartiality and independence*.

The corporate plan is set out in below. The **Performance analysis** section of this annual report follows the structure of goals and key result areas set out in the corporate plan for reporting purposes.

Elections ACT corporate plan 2013-2017

MISSION

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

VISION

Continuous improvement through innovation and leadership.

VALUES

The ACTPS values and behaviours of respect, integrity, collaboration and innovation.

GUIDING PRINCIPLES

Transparency, accessibility, impartiality and independence.

Goal 1 To conduct high quality elections and referendums

Key result areas:

- 1.1 Elections for the ACT Legislative Assembly
- 1.2 Election and referendum services to other agencies

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

Key result areas:

- 2.1 Electoral information and advice
- 2.2 Electoral enrolment
- 2.3 Electoral education
- 2.4 Electoral boundaries
- 2.5 Party registration
- 2.6 Election funding, expenditure and financial disclosure

Goal 3 To support high quality electoral services by effective management

Key result areas:

- 3.1 Human resources management
- 3.2 Financial management
- 3.3 Records management
- 3.4 Information/communication technology management

The *Corporate Plan 2013–2017* is underpinned by more detailed operational plans.

Performance indicators

Formal budget paper performance indicators

There were 3 performance indicators listed in the budget papers for Output 1.6 – Electoral Services within the JACS directorate for 2013/2014. Two of these relate to Legislative Assembly elections, and measure voter turnout at Assembly elections and timely finalisation of Assembly election results. These indicators were not relevant to the current reporting period. A third performance indicator reflects the Commission's ongoing activity, and formally reports on the participation of eligible electors on the electoral roll.

This performance indicator measures the percentage of electors on the electoral roll compared to those eligible to be enrolled. This performance indicator is effectively a measure of the net result of the efforts of Elections ACT and the Australian Electoral Commission to facilitate the compulsory enrolment of eligible electors.

The percentage of electors on the roll compared to the number eligible is reported in detail under **Key Result Area 2.2 Electoral Enrolment** from page 33.

Table 2 – Performance indicators included in budget papers

| Accountability indicator | Measures | Target for 2013/2014 | Outcome at 30 June 2014 |
|--|--|---|---|
| High level of voter turnout at ACT Legislative Assembly elections ¹ | Turnout as a percentage of enrolment | n/a (>92% of enrolment in an election year) | n/a |
| | Turnout as a percentage of eligible elector population | n/a (>88% of eligible elector population in an election year) | n/a |
| Timely finalisation of election result of Legislative Assembly election ¹ | Date of announcement of election result | n/a (<14 days from polling day in an election year) | n/a |
| High level of electoral enrolment | Participation rate | >95% of eligible population | Enrolment was 95.8% of eligible population ² |

Note 1: These measures only apply in a Legislative Assembly election year.

Note 2: Eligible elector population (EEP) is calculated every quarter by the Australian Electoral Commission, using base data provided by the Australian Bureau of Statistics and applying a method developed by the AEC in conjunction with the ABS. The EEP is an estimate of the number of persons who are eligible to be enrolled at any point in time, and is calculated using post-censal estimates based on the latest census data updated by birth and death registrations, and estimated interstate and overseas migration. The estimate is recalculated after each census.

The outcome of 95.8% of the eligible population on the electoral roll at 30 June 2014 is above the target of 95%. On 30 June 2013, the outcome was 95.9% of the eligible population. See further discussion about electoral enrolment at **Completeness and accuracy of the ACT electoral roll** from page 33.

From 1 July 2014, the Commission will no longer be required to include performance indicators in the budget papers, as a result of the establishment of the Commission members as officers of the Legislative Assembly. The Commission will continue to report on these performance indicators in its future annual reports.

Agency performance indicators

The Commission maintains an extended set of performance indicators for in-house use and for annual reporting purposes. Set out below are the Commission's additional performance indicators.

As the Commission will no longer be required to include any performance indicators in the budget papers from 1 July 2014, as a result of the establishment of the Commission members as officers of the Legislative Assembly, the Commission will include the above budget paper indicators in its agency performance indicators in its future annual reports.

Discussion of the Commission's performance against each of these measures is included in **Performance analysis** from pages 15 to 55.

| Goal 1 – Elections and referendums | | |
|---|--|---|
| Objectives | Measures | Outcomes |
| Increase voter turnout at Legislative Assembly elections | Participation rates | Turnout 2012 election: 89.3% Turnout 2008 election: 90.4% Turnout 2004 election: 92.8% Turnout 2001 election: 90.9% |
| Deliver service within timeline targets | Timelines met 1 | All timelines met. |
| Increase formal voting at Legislative Assembly elections | Formal voting rates | Formal voting 2012 election: 96.5% Formal voting 2008 election: 96.2% Formal voting 2004 election: 97.4% Formal voting 2001 election: 96.0% |
| | | |
| Goal 2 – Information, education, advice and services | | |
| Objectives | Measures | Outcomes |
| Maintain high client satisfaction | Feedback from clients/electors | All electoral education and fee-for-service election clients expressed satisfaction. |
| Manage registration of political parties | Statutory requirements met | All statutory requirements met. |
| Redraw electoral boundaries for each election | Statutory requirements met | A redistribution of electoral boundaries did not occur during the reporting year. The most recent redistribution commenced in January 2011 and concluded in October 2011. All relevant statutory requirements were met. |
| | | |
| Goal 3 – Effective management | | |
| Objectives | Measures | Outcomes |
| Manage costs within budget allocations | Budget met | Expenditure was \$0.122 million under budget allocation for 2013/2014. |
| Maintain high staff satisfaction | Performance management feedback | High staff satisfaction reported in 2013/2014. |
| Manage and improve ICT business systems | Absence of ICT business systems failures | No ICT business systems failures. |
| | | |

Note 1: Elections ACT's timeline targets are:

- All statutory deadlines will be met.
- Election results will be finalised:
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is not needed): within 14 days from polling day;
 - For general elections and referendums for the ACT Legislative Assembly (where a recount is needed): within 21 days from polling day;
 - For a count back to fill a casual vacancy in the Legislative Assembly: within 1 week from the date applications to contest the vacancy close; and
 - For other elections and referendums where the ACT Electoral Commission is responsible for providing election results: within 1 week from the close of the poll.

Performance highlights

While 2013/2014 was not an ACT Legislative Assembly election year, it was nevertheless notable for a range of issues and events initiated by, or impacting on, the ACT Electoral Commission. Notable aspects of the year included:

- The introduction in the Assembly in August 2013 and the passage in November 2013 of the *Officers of the Assembly Legislation Amendment Act 2013*, which established the members of the Commission as officers of the ACT Legislative Assembly from 1 July 2014;
- The undertaking of significant preparations for the Commission's transition to officer of the Assembly status, including steps to separate the Commission from the JACS portfolio and the development of procedures and policies required for the Commission to function as a fully independent entity;
- Negotiation of an independent budget for 2014/2015 and beyond for the office of the Commissioner under the new officer of the Assembly arrangements, including capital funding for 2016 election ICT projects, recurrent funding for an increase in the base staff establishment of the office of the Commissioner and funding for the 2016 election;
- The completion of the Commission's *Report on the ACT Legislative Assembly Election 2012* in July 2013 and tabling of the report in the Assembly on 8 August 2013;
- The conduct of an inquiry by the Legislative Assembly Select Committee on Amendments to the *Electoral Act 1992*, commencing in March 2014 and concluding in June 2014;
- The introduction of 2 bills in the Legislative Assembly in June 2014 to provide for the increase in the size of the Legislative Assembly to 25 Members from the 2016 election, including the division of the ACT into 5 electorates each returning 5 Members;
- A major review of the Commission's electoral information and education program strategy;
- A major review of the Commission's records management program; and
- The commencement of the third election for the Aboriginal and Torres Strait Islander Elected Body in May 2014 (this election concluded in July 2014 in the following reporting year).

Other activities undertaken during the year included:

- Commencing the upgrade of Elections ACT's ICT election systems in preparation for the 2016 election;
- Conducting further audits of political parties and other entities for compliance with the election financial disclosure scheme;

- Continuing the Commission's non-parliamentary fee-for-service election program: conducting an election for the ACT Veterinary Surgeons Board; conducting 5 enterprise agreement ballots for ACT government agencies; 2 ballots for the Australian National University; and conducting an election for board members of the Aboriginal Justice Centre;
- Providing pre-poll voting facilities for the South Australian and Tasmanian general elections and 2 Tasmanian Legislative Council elections; and
- Continuing the schools based electoral education program.

Outlook

The priorities of the Commission and Elections ACT in 2014/2015 will be the redistribution of electoral boundaries due to commence in October 2014 and further preparations for the 2016 Legislative Assembly election.

As a result of the passage by the Assembly in August 2014 of bills to increase the size of the Legislative Assembly to 25 Members, consisting of 5 electorates each returning 5 Members, the redistribution of electoral boundaries will be a more complex exercise than usual, attracting a significant amount of public and political interest. The redistribution is expected to commence in October 2014 with the appointment by the Commission of a Redistribution Committee, and to conclude in or around June-July 2015. There will be several opportunities for public input into the redistribution process.

Following the *Voting Matters* report published in June 2014 by the Legislative Assembly Select Committee on Amendments to the *Electoral Act 1992*, the Commission intends to publish a further report to the Legislative Assembly outlining its response to the Committee's recommendations and making further recommendations for changes to the Electoral Act. It is hoped that this process will lead to the introduction of amendments to the Electoral Act in the Assembly in preparation for the October 2016 election.

As the Commission secured ICT capital funding in the 2015/2015 budget for the 2016 election ICT systems, another major activity will be focussed on working with software providers to upgrade these systems. While the systems in place for the 2012 election operated successfully, with the four years between elections and the changes in technology likely in that period of time, it is important that systems be upgraded to operate in the contemporary environment. As part of this activity, changes to support the move to 5 electorates with 5 members each will also be made to a number of systems.

From 1 July 2014 the Commission members became officers of the Legislative Assembly. As part of this change, the Electoral Commissioner was granted director-general powers under the *Financial Management Act 1996* for the first time. In addition, the Commission will no longer be part of the JACS portfolio. These changes require significant changes to the operations of the office of the Electoral Commissioner, including the need to undertake strategic finance and strategic human resources functions previously undertaken by the JACS Directorate on the Commission's behalf.

The change to officer of the Assembly status will also impact on the reporting lines for the Commission. From 1 July 2014 the Commission will provide its annual reports and special reports to the Speaker, and the Speaker will take on a range of functions previously allocated to the Executive, including the appointment of members of the Commission and the approval of leave of Commission members.

Where the Electoral Act previously provided for the Commission to provide advice on request to the Attorney General, the amendments made to the Electoral Act commencing on 1 July 2014 provide for that advisory function to be exercised by the Assembly. In addition, the Electoral Act includes the function of providing advice to a range of entities, including the Executive and all MLAs. The Commission envisages that it will continue to provide detailed advice to the Attorney General as the Minister responsible for the Electoral Act, as well as advice to the Speaker and the relevant Assembly committee on electoral matters, as appropriate.

Another outcome of the change to officer of the Assembly status was the development for the first time of a stand-alone budget for 2014/2015 and beyond for the office of the Commissioner, including recurrent funding for an increase in the base staff establishment of the office of the Commissioner. A review of the staffing establishment and structure of the office of the Commissioner is expected to take place in 2014/2015.

A significant election that commenced in May 2014 was concluded in July 2014 with the conduct of polling and the scrutiny for the 2014 Aboriginal and Torres Strait Islander Elected Body election.

Elections ACT will continue to implement the election funding, expenditure and financial disclosure reforms that commenced in July 2012, including audits of compliance with the election financial disclosure scheme.

Elections ACT will also continue its usual program of conducting fee-for-service elections and provision of electoral education and information services to the ACT community.

Performance analysis

This section reports on activities undertaken in each key result area in 2013/2014 to achieve the Commission's goals.

Goal 1 - To conduct high quality elections and referendums

Performance indicator summary

| Objectives | Measures | Outcomes |
|--|---------------------|--|
| Increase voter turnout at Legislative Assembly elections | Participation rates | Turnout 2012 election: 89.3% Turnout 2008 election: 90.4% Turnout 2004 election: 92.8% Turnout 2001 election: 90.9% |
| Deliver service within timeline targets | Timelines met | All timelines met. |
| Increase formal voting at Legislative Assembly elections | Formal voting rates | Formal voting 2012 election: 96.5% Formal voting 2008 election: 96.2% Formal voting 2004 election: 97.4% Formal voting 2001 election: 96.0% |
| | | |

Key result area 1.1

Elections for the ACT Legislative Assembly

The conduct of the 2012 ACT Legislative Assembly election

Review of 2012 election

After each general election for the ACT Legislative Assembly, the Commission produces a formal report on the conduct of the election and the operation of the electoral legislation. The Commission presented its detailed *Report on the ACT Legislative Assembly Election 2012* to the Attorney General in July 2013. The report was tabled in the Assembly on 8 August 2013.

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

The report included detailed analysis of the conduct of the 2012 election, and made recommendations for changes to electoral legislation with a view to preparations for and the conduct of the 2016 ACT Legislative Assembly election.

This report was considered by the Legislative Assembly Select Committee on Amendments to the *Electoral Act 1992*. This Committee inquiry commenced in March 2014 and concluded in June 2014 with the publication of the Committee's report. The report was presented to the Legislative Assembly on 5 August 2014.

The Committee's report *Voting Matters* can be found at www.parliament.act.gov.au/in-committees/select_committees/select-committee-on-amendments-to-the-electoral-act-1992/inquiry-into-amendments-to-the-electoral-act-1992/papers?inquiry=607587.

The Commission presented a detailed submission to the Committee. This submission addressed the following issues:

- Amendments to the Electoral Act required to expand the ACT Legislative Assembly to 25 Members at the 2016 election;
- Implications for the operation of the campaign finance reform provisions of the Electoral Act arising from the recent High Court decision, *Unions NSW & Ors v NSW*;
- The Commission's Report on the ACT Legislative Assembly Election 2012;
- Further recommendations for changes to the campaign finance reform provisions of the Electoral Act; and
- Participation in the electoral process, highlighting issues related to voter turnout and electoral engagement by young people.

The submission made a further 11 recommendations for changes to electoral legislation.

The Commissioner also appeared as a witness before the Committee on 9 May 2014 and provided written responses to questions taken on notice.

Copies of the various submissions made to the Committee can be found at www.parliament.act.gov.au/in-committees/select_committees/select-committee-on-amendments-to-the-electoral-act-1992/inquiry-into-amendments-to-the-electoral-act-1992/submissions?inquiry=607587.

The Committee supported all 15 of the recommendations made by the Commission in its 2012 election report, with some variations, taking further developments into account. The Committee noted that, in the short time available for this inquiry, it did not have time to seek submissions on the further recommendations made by the Commission in its submission to the inquiry. The Committee also made further recommendations for amendments to the Electoral Act in relation to other matters that arose in the course of the Committee's inquiry.

The Commission intends to provide a further report to the Assembly on its consideration of the recommendations made by the Committee. This report will also restate those aspects of its submission to the Committee inquiry that were not dealt with by the Committee.

As at the time of writing this report, the Government had not responded to the Committee's report.

Compulsory voting

Voting is compulsory for ACT elections. It is an offence for an enrolled elector to fail to vote at an election without a valid and sufficient reason. The Commission's *Report on the ACT Legislative Assembly Election 2012* included details of the follow-up of electors who appeared to have failed to vote at the 2012 ACT election.

In its report, the Commission noted that the number of non-voters choosing to pay the \$20 penalty for failing to vote has increased markedly since the 2004 election, and that this in turn may have contributed to the record low turnout in 2012. Accordingly the Commission recommended an increase in the penalty notice fine for failing to vote. In its *Voting Matters* report, the Legislative Assembly Select Committee on Amendments to the *Electoral Act 1992* recommended that the penalty notice fine should be increased from \$20 to \$40, and that the prescribed penalty that may be imposed by a court for failing to vote should be increased from half a penalty unit to a full penalty unit.

The Commission's report outlined the replies received up to 23 May 2013, compared with the total replies for the 2004 and 2008 elections. The following table updates the reporting of the responses received in relation to 2012 non-voter notices at the conclusion of the process in the 2013/2014 year.

Table 3 — Non-voter statistics for the 2004, 2008 and 2012 elections

| Details | 2004 | 2008 | 2012 |
|---|---------------|---------------|---------------|
| Total enrolment | 226,098 | 243,471 | 256,702 |
| Votes counted | 209,749 | 220,019 | 229,125 |
| Number of apparent non-voters | 16,349 | 23,452 | 27,577 |
| Valid reason for not voting provided before notices sent ¹ | 7,029 | 8,119 | 9,623 |
| Number of electors sent non-voters notice ² | 11,396 | 16,673 | 19,097 |
| Elector claimed to have voted | 873 | 307 | 804 |
| Elector unable to vote due to mental incapacity or being infirm | 107 | 120 | 46 |
| Elector deceased | 18 | 15 | 12 |
| Other valid and sufficient reason provided | 4,210 | 5,291 | 4,567 |
| \$20 penalty paid | 1,953 | 3,422 | 4,266 |
| Elector moved permanently interstate or overseas | 793 | 1,518 | 3,062 |
| Letter returned undelivered | 2,775 | 5,481 | 5,293 |
| No valid and sufficient reason provided and penalty not paid | 17 | 23 | 17 |
| No reply | 650 | 496 | 1,030 |
| | | | |

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

Note 2: The number of notices sent and the number of valid reasons provided before notices were sent do not sum to the total number of apparent non-voters because some electors who did in fact vote were sent non-voter notices as their names were not correctly marked as having voted in polling places and because some electors who were not enrolled had their votes admitted to the count following the declaration vote scrutiny.

On 17 June 2013 the Commissioner issued summonses to the 1,047 electors who had failed to reply to the notice of possible prosecution, and to those electors who provided a reason that was taken not to be valid and sufficient and who had not subsequently paid the failure to vote penalty.

Following representations from electors, 644 summonses were withdrawn and in 19 cases that had already been heard, application was made to the Court to overturn the conviction. In these cases, the elector had provided a valid and sufficient reason for not voting, albeit late in the process.

The following table outlines the court action resulting from the 2012 election, compared with the 2004 and 2008 elections. Non-voter processes with respect to the 2012 election have now effectively concluded.

Table 4 — Non-voter court action for the 2004, 2008 and 2012 elections

| Details | 2004 | 2008 | 2012 |
|------------------------|------|------|-------|
| Summonses issued | 894 | 763 | 1,047 |
| Summonses withdrawn | 397 | 161 | 644 |
| Convictions | 497 | 602 | 403 |
| Convictions overturned | 35 | 29 | 19 |
| | | | |

Preparations for the 2016 ACT Legislative Assembly election

One of the most significant activities undertaken in 2013/2014 was the preparation and submission of budget bids for recurrent funding and for ICT capital funding for the 2016 ACT Legislative Assembly election. The Commission was successful in securing funding in the 2014/2015 budget for these initiatives.

In preparing for these budget bids, Elections ACT conducted an evaluation of the ICT systems used at the 2012 election to examine what upgrades were necessary and desirable to deploy at the 2016 ACT election.

Elections ACT determined that the following ICT business systems needed to be upgraded to ensure their effectiveness at the 2016 election:

- eVACS® – Elections ACT's Electronic Voting and Counting System;
- The ballot paper scanning system;
- ERDS – the Election Results Display System;
- eLAPPS – the Electronic Legislative Assembly Polling Place System; and
- TIGER – Elections ACT's Election management database system.

The evaluation of these systems indicated that only incremental changes were required to improve useability and to ensure the systems were deployed using modern hardware and software platforms at the time of the next election.

In anticipation of the increase in the size of the Assembly to 25 Members and the adoption of 5 equal-sized electorates, Elections ACT also examined all of its systems and procedures to ensure that they would be suitable for deployment at the 2016 election. The upgrades being planned for the ICT systems include all changes necessary to accommodate the increase in the size of the Assembly.

In 2013/2014 Elections ACT adopted a new election project management system purchased from ScytI Australia Pty Ltd. This system is intended to streamline the project management of all the elections conducted by Elections ACT.

Other election preparations undertaken during the year included planning for the logistical aspects of the election, including sourcing of cardboard polling equipment and new improved barcode readers for the electronic voting system.

Key result area 1.2

Election and referendum services to other agencies

Elections ACT's program of providing election and referendum services for other organisations continued in 2013/2014.

Interstate elections

Elections ACT provided over-the-counter pre-poll voting, postal vote applications, postal ballot papers and enquiry services for interstate and electoral authorities in 2013/2014. Details of these elections are shown in Table 5.

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

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

Table 5 – Interstate elections

| Election | Polling day | Assistance provided | Votes |
|--|-------------|---------------------|------------|
| South Australian General election | 14/03/2014 | Pre-poll voting | 168 |
| Tasmanian House of Assembly General election | 14/03/2014 | Pre-poll voting | 1 |
| Tasmanian Legislative Council elections – Huon and Rosevears | 03/05/2014 | Pre-poll voting | 1 |
| Total | | | 170 |

Statutory elections

In addition to elections for the ACT Legislative Assembly, the Electoral Commissioner is required to conduct elections for specified statutory bodies: the Aboriginal and Torres Strait Islander Elected Body and the ACT Veterinary Surgeons Board.

Aboriginal and Torres Strait Islander Elected Body election

The *Aboriginal and Torres Strait Islander Elected Body Act 2008* provides for the conduct of elections for the Aboriginal and Torres Strait Islander Elected Body every 3 years. The first election for the Elected Body was held from May to July in 2008. The second election for the Elected Body was held from April to May in 2011.

The third election for the Elected Body commenced in this reporting year, with nominations opening on 19 May and closing on 2 June 2014. At the declaration of nominations on 3 June 2014, the Electoral Commissioner announced that 14 candidates were contesting the 7 vacant positions on the Elected Body.

Voting took place after the current reporting period in July 2014. The results of the election will be reported in the 2014/2015 annual report.

Health professionals board elections

In 2009 Elections ACT conducted 8 health professionals board elections under the *Health Professionals Regulation 2004*. On 1 July 2010 national health professionals boards for 10 professions — chiropractors, dental care practitioners, medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists — came into operation and replaced the existing state and territory health professionals boards. As a result, the Electoral Commissioner is no longer required to conduct elections for these professions.

The ACT Veterinary Surgeons Board is the only remaining board within the ACT that uses Elections ACT's services for the running of its elections. These elections are conducted as postal ballots, generally every 4 years. In August 2013, Elections ACT was requested by the ACT Veterinary Surgeons Board to hold an election for the Board.

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

The following table sets out the result of the 2013 election for the ACT Veterinary Surgeons Board.

Table 6 — Health professionals board election

| Election | Vacancies | Candidates | Polls closed | Result provided | Votes |
|-------------------------------|-----------|------------|--------------|-----------------|-------|
| ACT Veterinary Surgeons Board | 3 | 4 | 24/10/2013 | 24/10/2013 | 105 |
| Total | | | | | |

Fee-for-service electoral services

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

Australian National University elections

Elections ACT assisted with the Australian National University (ANU) Union annual elections and the ANU Students' Association (ANUSA) annual elections in 2013/2014.

Due to a change in the ANU Union constitution, an election of board members to the ANU Union was not held in 2013. As part of the constitutional amendment, the election process was moved from August to March each year. Polling for the ANU Union election was conducted from 24-26 March 2014. Results were determined on 28 March 2014.

Polling for the ANUSA elections was conducted from 26-29 August 2013. Final results were determined on 2 September 2013.

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

Details of these elections are shown in Table 7.

Table 7 – Australian National University elections

| Election | Vacancies | Candidates | Votes |
|--|-----------|------------|--------------|
| ANU Students' Association annual elections | 38 | 74 | 1,219 |
| Election of 4 ANU Union directors | 4 | 12 | 596 |
| Total | 42 | 86 | 1,815 |

Enterprise agreement ballots

Elections ACT conducted 5 enterprise agreement ballots for ACT government agencies in 2013/2014.

Three of these ballots were conducted using netVote, an online voting system developed for use by Elections ACT for simple "yes/no" ballots such as enterprise agreement ballots.

Details of these ballots are shown in Table 8 in chronological order.

Table 8 – Enterprise agreement ballots

| Election | netVote election | Polls closed | Result provided | Votes |
|---|------------------|--------------|-----------------|--------------|
| ACT Health – Nursing and Midwifery Enterprise Agreement 2013-2017 | No | 12/02/2014 | 12/02/2014 | 1,277 |
| ACTION Enterprise Agreement 2013-2017 | No | 9/04/2014 | 9/04/2014 | 445 |
| Cultural Facilities Corporation 2013-2017 | Yes | 14/04/2014 | 15/04/2014 | 64 |
| Administrative and Related Classifications 2013-2017 | Yes | 22/04/2014 | 23/04/2014 | 3,495 |
| ACT Fire and Rescue 2013-2017 | Yes | 23/06/2014 | 24/06/2014 | 348 |
| Total | | | | 5,629 |

Other elections

Elections ACT conducted the Aboriginal Justice Centre Inc Board Members election in 2014. Details of this election are shown in Table 9.

Table 9 – Other elections

| Election | Vacancies | Candidates | Polls closed | Result provided | Votes |
|---|-----------|------------|--------------|-----------------|-----------|
| Aboriginal Justice Centre Inc Election of Board Members | 7 | 10 | 6/02/2014 | 6/02/2014 | 10 |
| Total | 7 | 10 | | | 10 |

Internet resources

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

- Principles for conducting elections;
- Sample electoral regulations;
- Pro-forma ballot papers; and
- A scrutiny spreadsheet to facilitate the conduct of a Hare-Clark count.

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

Performance indicator summary

| Objectives | Measures | Outcomes |
|--|--|---|
| High level of electoral enrolment | Participation rate >95% of eligible population | Enrolment was 95.8% of eligible population at 30 June 2014. |
| Maintain high client satisfaction | Feedback from clients/electors | All electoral education and fee-for-service election clients expressed satisfaction. |
| Manage registration of political parties | Statutory requirements met | All statutory requirements met. |
| Redraw electoral boundaries for each election | Statutory requirements met | A redistribution of electoral boundaries did not occur during the reporting year. The most recent redistribution commenced in January 2011 and concluded in October 2011. All relevant statutory requirements were met. |
| | | |

Key result area 2.1

Electoral information and advice

Information service

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

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

Publications

The following items were published in 2013/2014:

- *ACT Electoral Commission Annual Report 2012/2013*;
- *Report on the ACT Legislative Assembly Election 2012*;
- *Election funding, expenditure and financial disclosure – 2013/2014 handbook* and related forms;
- *Electoral Compendium 1989-2013*; and
- A series of factsheets for primary students.

In addition, the following are available from the Commission:

- ACT Electoral Commission Annual Reports since 1992/1993;
- Election statistics for the 1989, 1992, 1995, 1998, 2001, 2004, 2008 and 2012 elections;
- Reports on the conduct of the election and the operation of the Electoral Act for the 1995, 1998, 2001, 2004 and 2008 elections;
- *ACT election 2012: Information for voters pamphlet*;
- *ACT election 2012: Election guide pamphlet*;
- *Candidate Information handbook*;
- *Scrutineers Information handbook*;
- *The 2001 ACT Legislative Assembly Election: Electronic Voting and Counting System Review*;

- *The 2004 ACT Legislative Assembly Election: Electronic Voting and Counting System Review;*
- Redistribution reports, public submissions and statistics for the 1993, 1996, 2000, 2003, 2007 and 2011 redistributions;
- Information brochure on voting in the ACT for new citizens;
- *How to Register a Political Party for ACT Legislative Assembly Elections handbook;*
- Maps of ACT electorates;
- Various electoral enrolment and voting forms;
- Information factsheets;
- *Customer commitment statement;*
- Freedom of information statements; and
- Electronic voting and counting data from the 2001, 2004, 2008 and 2012 ACT elections available for free download from the Elections ACT website and on CD-ROM (on request and payment of fee).

Internet

The Elections ACT website address is www.elections.act.gov.au.

Information and services provided on the website in 2013/2014 included:

- General information about the Commission and Elections ACT;
- A facility for non-voters to reply to apparent non-voter notices;
- Information on the review of the size of the ACT Legislative Assembly;
- Details of past ACT Legislative Assembly elections, casual vacancies and referendums;
- Information regarding electoral boundaries;
- Media releases;
- The party register, including details on the registration of political parties;
- Information on the election funding, expenditure and financial disclosure scheme;
- A facility for political participants to lodge financial disclosure returns on-line;
- Information for organisations wishing to run their own elections;
- Information for schools wishing to run their own elections;
- A link to the AEC electoral enrolment forms, and other enrolment information;
- Printable copies of the Commission's publications; and
- Links to electoral legislation, other electoral bodies and ACT agencies.

Advice

Providing advice to the Attorney General, Legislative Assembly Committees and other MLAs is one of the Commission's most significant responsibilities. (From 1 July 2014 the Commission will also have the statutory function of reporting to the Speaker.) The Commission also provides advice to visiting delegations from other jurisdictions and other countries, makes submissions to Commonwealth parliamentary inquiries and gives presentations at conferences.

Examples of advice provided during the year include:

- Advising the Government and Legislative Assembly Members on electoral matters, and in particular regarding:
 - The Officers of the Assembly Legislation Amendment Bill 2013;
 - The Australian Capital Territory (Legislative Assembly) Bill 2014; and
 - The Electoral Amendment Bill 2014;
- Appearing before and making submissions to the Select Committee on Amendments to the *Electoral Act 1992*;
- Consulting the Speaker and the Standing Committee on Justice and Community Safety on the Commission's transition to officer of the Assembly status and on the Commission's 2014/2015 budget;
- Giving a presentation on the ACT's electronic voting and counting systems to the Commonwealth Joint Standing Committee on Electoral Matters on 12 February 2014;
- Giving presentations to the "A new Senate voting system?" workshop held at the Australian National University on 11 April 2014, sponsored by the Electoral Regulation Research Network;
- Appearing before the Standing Committee on Justice and Community Safety in relation to the Commission's 2012/2013 annual report; and
- Appearing before the Select Committee on Estimates 2014/2015.

For more information on Assembly Committee inquiries held during the year, see **Legislative Assembly inquiries and reports** on page 66.

Electoral legislation

In 2013/2014 the Commission provided advice to the Government and other Assembly Members on several pieces of legislation that related to the ACT's electoral legislation.

These are discussed below.

Officers of the Assembly Legislation Amendment Act 2013

The Officers of the Assembly Legislation Amendment Bill 2013 was presented to the Assembly on 15 August 2013 and passed by the Assembly on 24 October 2013. The substantive provisions of the Act came into force on 1 July 2014.

This Act amended the Electoral Act and other machinery of government legislation to establish the members of the ACT Electoral Commission as officers of the Assembly. It also made amendments to relevant legislation to establish the ACT Auditor-General and the ACT Ombudsman as officers of the Assembly.

Key changes to the Electoral Act made by this Act include:

- For the first time, a provision that explicitly states that each member of the Commission has complete discretion in the exercise of the member's functions, subject to relevant laws;
- Amending the functions of the Commission to provide for a function of considering, and reporting to the Assembly on, matters relating to elections referred to it by the Assembly (where previously this function referred to the Minister);
- Providing that annual reports, special reports and redistribution reports are to be given to the Speaker (rather than the Minister), who must present each such report to the Assembly on the next sitting day after receiving it;
- Providing that the relevant Minister must present a written response to the Legislative Assembly within 3 months after the presentation of a special Electoral Commission report to the Assembly by the Speaker;
- Giving the Speaker the power to appoint the members of the Commission (previously allocated to the Executive) – such appointments must be made on the advice of the relevant Assembly Committee and in consultation with the Chief Minister, the Leader of the Opposition and the leader of any other party in the Assembly with 2 or more MLAs, and in accordance with the merit principles set out in the Public Sector Management Act;
- Giving the Speaker the power to appoint a person to act as a member of the Commission, after consultation with the chair of the relevant Assembly Committee;
- Giving the Electoral Commissioner the power to appoint a person to act as Commissioner when the Commissioner is on leave of absence approved by the Speaker, after consultation with the Speaker;
- Providing that each member of the Commission must take an oath or affirmation before the Speaker and give the Speaker a written statement of the member's personal and financial interests;
- Giving the Speaker the power to suspend a member of the Commission under specified circumstances;

- Giving the Speaker the power to approve leave of absence for a member of the Commission; and
- Providing explicitly that the Electoral Commissioner has head of service powers and director-general powers under the Public Sector Management Act in relation to the staff employed to assist the Commissioner (previously this power was exercised by virtue of a Ministerial instrument).

The Officers of the Assembly Legislation Amendment Act also amended the *Financial Management Act 1996* to provide that:

- The office of the Electoral Commissioner would be treated as a directorate for financial purposes;
- The Commissioner would have director-general powers for financial purposes;
- The Speaker must present a recommended appropriation for the Commissioner to the Assembly and give the Treasurer a draft budget for the Commissioner, after consultation with the Commission and the appropriate committee of the Legislative Assembly;
- Any appropriation for an officer of the Assembly must be contained in an Appropriation Act for an appropriation for the Office of the Legislative Assembly;
- If the Treasurer presents a bill for the appropriation for an officer of the Assembly relating to a financial year in the Legislative Assembly and the appropriation is less than the recommended appropriation for the office for the financial year, the Treasurer must present to the Legislative Assembly a statement of reasons for departing from the recommended appropriation; and
- The Commissioner is not required to prepare a statement of performance for the budget papers or provide half-yearly performance reports.

The Officers of the Assembly Legislation Amendment Act also made consequential amendments to the following Acts and Regulation to provide for the establishment of the officers of the Assembly:

- The *Annual Reports (Government Agencies) Act 2004*;
- The *Government Procurement Act 2001*;
- The *Government Procurement Regulation 2007*;
- The *Legislation Act 2001*;
- The *Public Interest Disclosure Act 2012*;
- The *Public Sector Management Act 1994*;
- The *Referendum (Machinery Provisions) Act 1994*; and
- The *Territory Records Act 2002*.

Statute Law Amendment Act 2013 (No 2)

The *Statute Law Amendment Act 2013 (No 2)* was passed by the Assembly on 29 October 2013. This Act updated two sections and the Dictionary in the Electoral Act to make technical amendments to update language in line with current legislative drafting practice.

Australian Capital Territory (Legislative Assembly) Bill 2014

The Australian Capital Territory (Legislative Assembly) Bill 2014 was presented to the Assembly on 5 June 2014. It provides that the Legislative Assembly is to consist of 25 Members to be elected at the next general election held after commencement of the Act.

The Bill was passed by the Legislative Assembly on 5 August 2014, after the end of the current reporting period. It came into force on 19 August 2014.

Electoral Amendment Bill 2014

The Electoral Amendment Bill 2014 was also presented to the Assembly on 5 June 2014. It amends the Electoral Act to provide that the ACT must be divided into 5 electorates, with 5 members to be elected from each electorate. This Act also makes consequential amendments to the Electoral Act to remove references to 7 member electorates.

The Bill was passed by the Legislative Assembly on 5 August 2014, after the end of the current reporting period. It came into force on 19 August 2014.

Amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008

The Assembly passed the *Aboriginal and Torres Strait Islander Elected Body Amendment Act 2014* on 6 May 2014, with amendments effective from 10 May 2014.

This Amendment Act made minor amendments to the Aboriginal and Torres Strait Islander Elected Body Act to allow polling to commence on the first day of NAIDOC celebrations in the ACT. The Amendment Act also gave the Minister the authority to identify the day of the Aboriginal and Torres Strait Islander Elected Body elections and the commencement of polling via a notifiable instrument if considered necessary at future elections.

The Amendment Act also made a number of technical changes.

Key result area 2.2

Electoral enrolment

Joint roll arrangement

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

The Commissioner pays the AEC a yearly fee for maintaining the joint roll. This fee is adjusted yearly for CPI and enrolment changes, and is renegotiated regularly.

Following the passage in June 2012 of amendments to the Commonwealth Electoral Act to provide for the direct update and direct enrolment of electors, the Commissioner and the AEC agreed not to adjust the base rate for the 2012/2013 and 2013/2014 years, although a review of the rate was scheduled. The amendments to the Commonwealth Electoral Act will have a fundamental impact on the way the joint electoral roll is maintained by the AEC, and therefore also the funding arrangements that will apply. The review of the funding arrangements under the joint roll arrangement is expected during 2014/2015.

The fee set for 2013/2014 was \$0.764652662 per elector (up from \$0.750395 per elector in 2012/2013). Joint roll payments for the year totalled \$201,318 (excluding GST).

Completeness and accuracy of the ACT electoral roll

The maintenance of the electoral roll to a high level of completeness and accuracy is one of the key tasks undertaken by all Australian electoral authorities. The importance of this task for the ACT Electoral Commission is indicated by the inclusion in the budget papers of an ongoing performance indicator aimed at demonstrating that the ACT has secured a high level of electoral enrolments. The proportion of electoral enrolments as a percentage of estimated eligible population is known as the participation rate. The ACT target participation rate is greater than 95%. As at 30 June 2014 the ACT participation rate was 95.8%.

Enrolment activity is summarised in the tables which follow in this section. The information in these tables shows that the level of enrolment in the ACT fluctuates according to the ACT and federal election cycles.

Historically, the rate of enrolment for the ACT has been among the highest of any Australian jurisdiction and compares well against the Australian average participation rate, which was 92.3% at 30 June 2014. However, the tables also indicate that participation in younger age groups continues to be comparatively low, especially at times removed from ACT and federal elections.

The AEC is now able to directly enrol new electors and update the enrolment of existing electors using trusted data sources, without electors being required to take action.¹ This has the potential to significantly alter the way in which the electoral roll is maintained throughout Australia and may lead to considerable improvements in the accuracy and completeness of the roll in the ACT. The Commission will work closely with the AEC and the ECANZ to ensure the ongoing success of this method of maintaining the electoral roll.

Table 10 – Enrolment activity – ACT electoral roll

| | 11/12 | 11/12 | 12/13 | 12/13 | 13/14 | 13/14 |
|--------------------------------------|--------|----------------|---------|----------------|---------|----------------|
| Enrolment at 1 July | | 247,661 | | 251,150 | | 261,497 |
| Additions | | +12,758 | | +25,135 | | +21,917 |
| New enrolment | 4,536 | | 8,728 | | 7,837 | |
| Re-enrolment | 937 | | 2,792 | | 2,487 | |
| Re-instatement | 13 | | 37 | | 60 | |
| Transfer into the ACT | 7,272 | | 13,578 | | 11,533 | |
| Movements within the ACT | | | | | | |
| Transfers between electorates | 4,789 | | 10,342 | | 8,889 | |
| Changes within electorates | 8,980 | | 19,037 | | 17,640 | |
| No change enrolment ¹ | 2,018 | | 5,044 | | 5,269 | |
| Adjustments² | | -15 | | -114 | | -89 |
| Previous federal only (+) | 18 | | 17 | | 26 | |
| Voters to provisional (-) | -19 | | -1 | | -1 | |
| Now federal only (-) | -14 | | -73 | | -114 | |
| Other (+/-) | | | -57 | | | |
| Deletions | | -9,254 | | -14,674 | | -16,018 |
| Objections ³ | -683 | | -1,016 | | -2,532 | |
| Deaths | -1,179 | | -1,406 | | -1,572 | |
| Duplications | -26 | | -113 | | -105 | |
| Transfers out of the ACT | -7,366 | | -12,139 | | -11,809 | |
| Enrolment at 30 June | | 251,150 | | 261,497 | | 267,307 |
| Participation rate at 30 June | | 92.5% | | 95.9% | | 95.8% |

Note 1: **No change enrolment** refers to the number of applications for enrolment received where the elector is already enrolled and the elector details (name, address etc) on the new application are the same as the details under which the elector is enrolled.

Note 2: **Adjustments**: Residents of Norfolk Island, Jervis Bay and Wreck Bay are eligible to enrol for the ACT at the federal level but not at the territory level. "Previous federal only" includes electors who were on the federal roll in the ACT but not on the ACT Legislative Assembly roll and have since moved to the ACT. "Voters to provisional" are those electors who were incorrectly enrolled as being at least 18 years of age, but on checking were 17 years of age. "Now federal only" includes electors who were on the joint ACT and federal roll but are now not on the ACT roll. "Other" represents adjustments made as a result of the direct enrolment in New South Wales of electors previously enrolled in the ACT.

Note 3: **Objections** primarily refers to those electors removed from the roll because they have left their enrolled address without re-enrolling elsewhere.

¹ Details of the AEC's direct enrolment and update strategy are available at http://www.aec.gov.au/About_AEC/Publications/Fact_Sheets/direct.htm

Table 11 shows enrolment by age group. This highlights the need to continue to focus on newly eligible electors in the 18-24 cohort. Notably, in 2013/2014, the enrolled 18 year olds from the previous federal election year are now reflected in the 19 year old group with a decrease observed in 18 year olds. This matches the observed trend that high proportions of young people do not enrol unless an election is imminent. The Commission, in conjunction with the AEC, will target enrolment stimulus activities towards young Australians in the lead up to the next round of federal and ACT elections due in 2016.

Table 11 — Enrolment by age group

| | 21/9/2012 ¹ | 21/9/2012 ¹ | 30/6/2013 | 30/6/2013 | 30/6/2014 | 30/6/2014 |
|--------------|--------------------------------------|------------------------|--------------------------------------|--------------------|--------------------------------------|--------------------|
| Age group | Number enrolled and entitled to vote | Participation rate | Number enrolled and entitled to vote | Participation rate | Number enrolled and entitled to vote | Participation rate |
| 18 | 3,435 | 67.3% | 3,304 | 71.6% | 2,292 | 52.7% |
| 19 | 3,165 | 56.0% | 4,193 | 80.3% | 4,509 | 103.5% |
| 20-24 | 23,499 | 79.8% | 23,614 | 83.4% | 24,670 | 86.8% |
| 25-29 | 26,102 | 88.7% | 26,378 | 91.8% | 26,655 | 88.9% |
| 30-34 | 25,456 | 96.1% | 26,271 | 96.7% | 27,435 | 94.2% |
| 35-39 | 24,393 | 93.6% | 24,590 | 99.8% | 25,224 | 98.1% |
| 40-44 | 25,062 | 98.4% | 25,576 | 97.3% | 25,999 | 97.9% |
| 45-49 | 22,920 | 93.3% | 23,118 | 99.4% | 23,415 | 98.1% |
| 50-54 | 23,273 | 97.8% | 23,442 | 98.8% | 23,587 | 98.8% |
| 55-59 | 20,497 | 98.2% | 20,481 | 100.4% | 20,936 | 99.8% |
| 60-64 | 18,619 | 99.1% | 18,703 | 101.2% | 18,760 | 101.8% |
| 65-69 | 14,229 | 110.4% | 14,992 | 98.5% | 15,888 | 100.5% |
| 70+ | 26,052 | 104.6% | 26,835 | 101.3% | 27,937 | 101.1% |
| Total | 256,702 | 93.9% | 261,497 | 95.9% | 267,307 | 95.8% |

Note 1: 21 September 2012 was the date of the close of rolls for the 2012 ACT Legislative Assembly election. The 3,435 electors shown as 18 year olds at the close of rolls for the 2012 election include 267 17 year old electors who turned 18 after the close of rolls and on or before polling day (20 October 2012), and were therefore entitled to vote.

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

Table 12 — Enrolment by age group by electorate as at 30 June 2013 and 2014

| Age group | Brinda-bella | Brinda-bella | Ginnin-derra | Ginnin-derra | Molonglo | Molonglo | Total ACT | Total ACT |
|--------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|
| | 2013 | 2014 | 2013 | 2014 | 2013 | 2014 | 2013 | 2014 |
| 18 | 1,100 | 742 | 908 | 637 | 1,296 | 913 | 3,304 | 2,292 |
| 19 | 1,338 | 1,429 | 1,234 | 1,232 | 1,621 | 1,848 | 4,193 | 4,509 |
| 20-24 | 7,064 | 6,983 | 6,921 | 7,172 | 9,629 | 10,515 | 23,614 | 24,670 |
| 25-29 | 6,610 | 6,554 | 7,561 | 7,590 | 12,207 | 12,511 | 26,378 | 26,655 |
| 30-34 | 6,204 | 6,263 | 8,036 | 8,319 | 12,031 | 12,853 | 26,271 | 27,435 |
| 35-39 | 6,007 | 5,964 | 7,713 | 7,755 | 10,870 | 11,505 | 24,590 | 25,224 |
| 40-44 | 7,027 | 6,900 | 7,327 | 7,543 | 11,222 | 11,556 | 25,576 | 25,999 |
| 45-49 | 7,127 | 6,913 | 6,415 | 6,488 | 9,576 | 10,014 | 23,118 | 23,415 |
| 50-54 | 7,617 | 7,585 | 6,426 | 6,386 | 9,399 | 9,616 | 23,442 | 23,587 |
| 55-59 | 6,669 | 6,791 | 6,017 | 6,022 | 7,795 | 8,123 | 20,481 | 20,936 |
| 60-64 | 5,636 | 5,764 | 5,956 | 5,850 | 7,111 | 7,146 | 18,703 | 18,760 |
| 65-69 | 3,959 | 4,245 | 4,947 | 5,281 | 6,086 | 6,362 | 14,992 | 15,888 |
| 70+ | 6,227 | 6,552 | 7,531 | 7,938 | 13,077 | 13,447 | 26,835 | 27,937 |
| Total | 72,585 | 72,685 | 76,992 | 78,213 | 111,920 | 116,409 | 261,497 | 267,307 |

Electoral Council of Australia and New Zealand

The Electoral Council of Australia and New Zealand (ECANZ) is a consultative council of Electoral Commissioners from the electoral authorities of the Commonwealth, States and Territories and the Chief Electoral Officer of New Zealand.

The ECANZ considers issues related to the maintenance of the electoral rolls, the operation of new electoral legislation, best practice in the management of elections and other matters of common interest. The ACT Electoral Commissioner attended the 2 ECANZ meetings held in 2013/2014.

Main issues discussed by the ECANZ in 2013/2014 included the management of the joint electoral rolls, implications of the introduction of direct enrolment methods and issues arising from the conduct of the 2013 federal election. In September 2013 the ECANZ published a paper on internet voting in Australian elections.

The ECANZ also sponsored a meeting of the Australian electoral Disability Advisory Committee. Elections ACT staff participated at this meeting.

Commissioner's Advisory Board on Electoral Research (CABER)

In 2010, the Australian Electoral Commissioner Mr Ed Killesteyn established the Commissioner's Advisory Board on Electoral Research (CABER).

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

The function of CABER is to provide the Australian Electoral Commissioner with advice on electoral research. It also provides advice on progressing a strategic electoral research framework to better inform and support delivery of electoral services and influence electoral policy reform in Australia.

CABER did not meet or publish any papers in 2013/2014.

State and Territory Electoral Commissioners meetings

Since 2007 the State and Territory Electoral Commissioners have convened their own forum (known as STEC) to:

- Discuss and consider electoral policy and operational matters of mutual interest;
- Promote best practice electoral administration by considering policies and procedures within Australia and overseas electoral jurisdictions;
- Promote and/or undertake research into contemporary electoral issues aimed at improving access and equality for all eligible electors;
- Encourage mutual and co-operative development and sharing of information technology electoral administration systems and intellectual property associated with such systems and procedures to minimise costs to each member;

- Publish or distribute any reports or research and seek input from any person or organisation that it considers appropriate; and
- Work co-operatively with the Electoral Council of Australia and New Zealand on relevant matters.

Representatives of the Australian Electoral Commission attend STEC meetings by invitation. In 2011/2012 the Chief Electoral Officer of New Zealand joined the membership of STEC.

STEC met 2 times in 2013/2014. The ACT Electoral Commissioner attended both of these meetings. Issues discussed included electoral statistics reporting and the application of information and communication technologies on election management.

STEC also sponsored working groups attended by representatives of most electoral authorities, including a working group on information and education strategies for people from culturally and linguistically diverse backgrounds. Elections ACT staff participated on this working group.

Key result area 2.3

Electoral education

Electoral education program

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

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

In 2013/2014 Elections ACT conducted a strategic review of the electoral education program, with a view to preparations for the 2016 election. Following this review, Elections ACT adopted the following education and communication strategies:

- Increase the reach of adult voter education in order to achieve improved electoral knowledge in relation to ACT Legislative Assembly elections;
- Become an integral part of the teaching of civics & citizenship to young people in the ACT; and
- Develop students' understanding of ACT elections and electoral engagement, with specific reference to the Hare-Clark system, in the context of the draft "Years 3-10 Australian Curriculum: Civics & Citizenship", thereby assisting the formation of habits of informed, engaged citizenship.

A series of detailed action items underpin these broad strategies, including actions to be taken in collaboration, where possible and appropriate, with the Education Officer of the ACT Legislative Assembly.

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

In 2013/2014 Elections ACT employed 2 dedicated electoral education/information officers, including 1 officer with formal teaching qualifications and experience. Other Elections ACT staff also assist with the conduct of electoral education sessions. The school-based aspect of the education program is focussed primarily on students in the upper primary and lower secondary years, and is aimed at increasing knowledge of the electoral system; it is not geared to securing the enrolment of 17-18 year old students.

Elections ACT’s education sessions are often conducted in cooperation with the Legislative Assembly Education Officer in the Assembly building. Participants at these sessions are shown how the Members of the Legislative Assembly are elected and how the Assembly functions. The Assembly has prepared audio-visual material that includes information on the electoral system. An education session can be taken into schools using these same materials. Elections ACT staff are working towards conducting more outreach programs with schools and community groups. Education staff are developing relationships with a number of groups and bookings have been taken for future community outreach programs.

Table 13 lists electoral education sessions conducted by Elections ACT staff in 2012/2013 and 2013/2014.

Table 13 – Electoral education sessions

| Organisation type | Number of participants 2012/2013 ¹ | Number of participants 2013/2014 |
|---------------------|---|----------------------------------|
| Colleges | 0 | 79 |
| Community Groups | 46 | 40 |
| High Schools | 41 | 62 |
| Primary Schools | 0 | 62 |
| Professional Groups | 48 | 3 |
| Total | 135 | 246 |

Note 1: The number of sessions able to be delivered in 2012 was reduced owing to the focus on the 2012 election.

In addition to conducting face-to-face education sessions, Elections ACT has developed a range of printed electoral education resources for distribution to schools and community groups. The National Curriculum: Civics & Citizenship has recently been introduced into ACT schools. In response to the curriculum focus on electoral education in the upper primary years, a range of fact sheets has been developed specifically for this group.

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

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

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

New education resources are under development. These include a ten minute video covering active citizenship, voting in the ACT, how to make your vote count and the Hare-Clark electoral system. Two short videos are also being developed to illustrate how to cast a formal vote and how to vote electronically. It is intended that these shorter videos will be played in polling places at election time. A third education resource under development is a package of interactive activities/games for the web suitable for both primary and secondary students.

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

Elections ACT continued its relationship with the ACT Education and Training Directorate during 2013/2014. Information on Elections ACT education resources and education services was presented to a Teachers' Professional Development Day attended by teachers from a range of colleges and primary schools, both government and non-government. The Education and Training Directorate also assisted with the promotion of Elections ACT education programs and education resources by including information flyers on the electronic bulletin board for teachers.

Key result area 2.4

Electoral boundaries

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

The most recent redistribution was completed in October 2011 and the boundaries determined were those used at the 2012 election.

A copy of the report on the 2011 redistribution is available on the Elections ACT website.

The next redistribution is due to commence in October 2014.

As a result of the passage by the Assembly in August 2014 of bills to increase the size of the Legislative Assembly to 25 Members, consisting of 5 electorates each returning 5 Members, the 2014 redistribution of electoral boundaries will be a more complex exercise than usual, attracting a significant amount of public and political interest.

The redistribution is expected to commence in October 2014 with the appointment by the Commission of a Redistribution Committee, and to conclude in or around June-July 2015. There will be several opportunities for public input into the redistribution process.

Key result area 2.5

Party registration

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

As at 1 July 2013, there were 9 parties on the register of political parties.

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

- Bullet Train for Canberra was removed from the party register on 13 August 2013; and
- Pangallo Independents Party was removed from the party register on 21 March 2014.

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

There were no other changes to the register of political parties during the year.

As at 30 June 2014, the following 7 parties were listed on the register of political parties.

Table 14 — Registered political parties as at 30 June 2014

| Party name | Party abbreviation |
|--|--------------------|
| Australian Labor Party (ACT Branch) | ACT Labor |
| Australian Motorist Party | A.M.P. |
| Liberal Democratic Party | Liberal Democrats |
| Liberal Party of Australia (A.C.T. Division) | Canberra Liberals |
| Marion Lê Social Justice Party | |
| The ACT Greens | The Greens |
| The Community Alliance Party (ACT) | Community Alliance |
| | |

Key result area 2.6

Election funding, expenditure and financial disclosure

Major changes to the election funding, expenditure and financial disclosure scheme took effect from 1 July 2012.

Following these campaign finance reforms, the ACT's election funding, expenditure and financial disclosure scheme consists of 4 components:

- Public funding of election campaign expenditure and party/MLA administrative expenditure;
- Limits on the amount of electoral expenditure that may be incurred;
- Limits on the amount of gifts that may be received, that are used to incur electoral expenditure; and
- Disclosure of the financial transactions of registered political parties, political party groupings, MLAs, associated entities, candidates, third party campaigners, broadcasters and publishers.

To assist with the implementation and enforcement of new disclosure provisions that came into force on 1 July 2012, the Commission was granted additional funding of \$0.823 million for the 2012/2013 financial year, with further funding provided for 2013/2014 of \$0.753 million.

This funding included:

- Increased public funding to parties and candidates;
- A quarterly payment of administrative expenditure fund for MLAs;
- Funding for new on-line disclosure forms and back-end database enhancements;
- Funding for additional auditing of compliance with the disclosure scheme; and
- Funding for additional staff to administer the expanded disclosure provisions.

Not all of the additional funding provided to the Commission was expended in 2013/2014. A total of \$0.144 million was rolled into the 2014/2015 financial year to further implement campaign finance reforms.

Education strategies

The changes to the election funding, expenditure and financial disclosure scheme that took effect from 1 July 2012 imposed significant new obligations on ACT political entities. An information campaign commenced in 2012 to educate political entities about the new scheme. In 2013/2014 the Commission implemented a number of strategies and produced several new resources intended to provide political entities with a comprehensive understanding of their obligations.

In October 2013, the election funding and disclosure section on the Commission's website was updated to incorporate existing funding and disclosure-related pages with new pages developed specifically for political entities and the community to better understand the reforms.

In late 2013, the Commission developed, and published on its website, a compliance policy and supplementary audit policy in relation to the election funding and disclosure reforms.

In December 2013 the Commission commenced publishing a table on its website briefly detailing the nature of any potential breaches of the disclosure provisions, the findings of the Commissioner and the reasoning behind any decision regarding sanctions.

In March 2014, the Commission published its audit program on its website, covering the period from 2013 to 2017. The purpose of publishing the audit program is to provide political entities with an overview of the proposed audit timetable, and to put political parties on notice that their financial records and documents will be audited on a regular basis. The audits are intended to ensure that disclosure obligations under the Electoral Act are being met.

Disclosure mechanisms

The Commission implemented a range of options for political entities to submit disclosure returns in 2013/2014.

These included online Smartforms and electronic pro-forma spreadsheets in addition to traditional paper forms. The new electronic spreadsheet returns were developed in consultation with the entities that are required to submit the most detailed returns – the three parliamentary parties and the Canberra Labor Club.

Election funding

The ACT scheme for election funding is a formula based direct entitlement scheme, involving automatic payments to parties and candidates calculated by multiplying the total number of first preference votes received by a prescribed amount, adjusted each 6 months by the *All groups consumer price index* (CPI) issued by the Australian Bureau of Statistics.

The *Electoral Amendment Act 2012*, passed by the Legislative Assembly on 10 May 2012, increased the amount that applied for the 2012 ACT election to \$2 per eligible vote. This amount will be indexed by CPI for future elections. The amount that applied for the July 2013 to December 2013 period was 205.005 cents per eligible vote, and for the January 2014 to June 2014 period the amount was 208.208 cents per eligible vote.

There were no public funding payments made in the 2013/2014 year.

Administrative funding

One of the changes introduced by the campaign finance reforms that commenced on 1 July 2012 was the payment of administrative funding to parties with Legislative Assembly representation and to non-party MLAs (if any).

Payment is made on a quarterly basis in arrears and at commencement amounted to \$5000 per MLA per quarter. Where an MLA is an MLA for only a part of a quarter, the payment is adjusted on a pro rata basis. The provision of administrative funding commenced with effect from 1 July 2012.

The administrative funding payment amount is indexed by CPI. The amount set for the 2013 year was \$5100.20 per MLA per quarter. The amount set for 2014 was \$5210.42 per MLA per quarter.

Payments made in 2013/2014 are shown in Table 15.

Table 15 — Payment of administrative funding 2013/2014

| Party | September 2013 | December 2013 | March 2014 | June 2014 | Total |
|--|----------------|---------------|-------------|-------------|--------------|
| Australian Labor Party (ACT Branch) | \$40,801.60 | \$40,801.60 | \$41,683.36 | \$41,683.36 | \$164,969.92 |
| Liberal Party of Australia (A.C.T. Division) | \$40,801.60 | \$40,801.60 | \$41,683.36 | \$41,683.36 | \$164,969.92 |
| The ACT Greens | \$5,100.20 | \$5,100.20 | \$5,210.42 | \$5,210.42 | \$20,621.24 |
| | | | | | |

The payment for the June 2014 quarter was made in July 2014, but was accrued as a 2013/2014 expense.

As at the end of the June 2014 quarter, a total of \$690,735.90 has been paid to the 3 parliamentary parties since the introduction of the payment of administrative expenditure funding from 1 July 2012.

Financial disclosure

Annual returns

Under the financial disclosure provisions of the Electoral Act, registered political parties, MLAs and associated entities were required to lodge an annual return for the 2012/2013 financial year by 31 July 2013, including returns from the 5 individuals who ceased serving as MLAs following the 2012 election. Annual returns for 2013/2014 were due to be lodged by 31 July 2014, outside the current reporting period.

The 2012/2013 annual returns were published on the Commission's website on 2 September 2013. These returns included 9 annual returns received from political parties, 22 from MLAs and 2 from associated entities. All required annual returns were submitted.

Copies of the returns can be viewed at the Elections ACT website.

Table 16 shows a summary of the receipts, payments and debts for the 3 parliamentary parties and the combined other parties for the 2011/2012 and 2012/2013 financial years.

Table 16 — Summary of receipts, payments and debts of ACT registered parties from annual returns

| | 2011/2012 | 2011/2012 | 2011/2012 | 2012/2013 | 2012/2013 | 2012/2013 |
|--------------|--------------------|--------------------|------------------|--------------------|--------------------|------------------|
| Party | Receipts | Payments | Debts | Receipts | Payments | Debts |
| ALP | \$2,123,155 | \$874,173 | \$82,304 | \$906,377 | \$1,573,890 | \$80,421 |
| LP | \$732,190 | \$759,774 | \$157,364 | \$1,072,068 | \$1,349,904 | \$356,648 |
| Greens | \$203,946 | \$199,664 | \$5,305 | \$474,295 | \$653,870 | \$82,932 |
| Other | \$1,795 | \$305 | \$0 | \$84,142 | \$76,919 | \$8,990 |
| Total | \$3,061,086 | \$1,833,916 | \$244,973 | \$2,536,882 | \$3,654,583 | \$528,991 |

Public funding of parties compared to private funding

Table 17 shows the sources of funding of the 3 ACT parliamentary parties for the 2011/2012 and 2012/2013 financial years, broken down into private and public funding, with private funding further broken down into those funds for which the donor is disclosed and the amount for which the donor is not disclosed.

Table 17 — Sources of funding received by the ACT Parliamentary parties

| 2011/2012 | ALP - amount | ALP - % of total received | Liberal Party - amount | Liberal Party - % of total received | ACT Greens - amount | ACT Greens - % of total received |
|------------------------------------|----------------|---------------------------|------------------------|-------------------------------------|---------------------|----------------------------------|
| Total received | \$2,123,155.20 | | \$732,190.00 | | \$203,946.00 | |
| Public ¹ | | 0.00% | | 0.00% | | 0.00% |
| Private | \$2,123,155.20 | 100.00% | \$732,190.00 | 100.00% | \$203,946.00 | 100.00% |
| Private – disclosed ² | \$1,872,984.14 | 88.22% | \$430,818.66 | 58.84% | \$148,644.00 | 72.88% |
| Private – undisclosed ³ | \$250,171.06 | 11.78% | \$301,371.34 | 41.16% | \$55,302.00 | 27.12% |

| 2012/2013 | ALP - amount | ALP - % of total received | Liberal Party - amount | Liberal Party - % of total received | ACT Greens - amount | ACT Greens - % of total received |
|------------------------------------|--------------|---------------------------|------------------------|-------------------------------------|---------------------|----------------------------------|
| Total received | \$906,377.00 | | \$1,072,068.00 | | \$474,295.00 | |
| Public ¹ | \$289,251.00 | 31.91% | \$283,245.60 | 26.42% | \$81,907.00 | 17.27% |
| Private | \$617,126.00 | 68.09% | \$788,822.40 | 73.58% | \$392,388.00 | 82.73% |
| Private – disclosed ² | \$370,034.17 | 59.96% | \$473,179.53 | 59.99% | \$197,549.95 | 50.35% |
| Private – undisclosed ³ | \$247,091.83 | 40.04% | \$315,642.87 | 40.01% | \$194,838.05 | 49.65% |

Note 1: **Public funding** is received from the ACT or Australian Electoral Commissions under relevant public funding schemes in election years. 2012/2013 was an ACT Legislative Assembly election year. ACT election public funding payments were made and reported in the Commission's 2012/2013 annual report. ACT election candidate nomination deposits were refunded to parties in 2012/2013. Elections ACT also paid administrative funding to the three parliamentary parties in 2012/2013.

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

Note 3: **Private – undisclosed** is the total amount declared where the identity of the person or organisation making the payment, and the amount, is not disclosed. These amounts may include payments from known sources under the disclosure threshold and/or anonymous donations.

Table 17 shows that a large proportion of the funding received by the registered parties is from payers whose identity is not disclosed. Audits of party returns show that much of this funding is made up of small donations, parliamentary levies, membership fees and fundraising activities where the total amounts paid are less than the \$1,000 disclosure threshold.

Returns of gifts received of \$1000 or more

Where a registered party grouping or a non-party candidate grouping receives a gift of \$1000 or more, or a series of gifts that sum to \$1000 or more, from the same person or organisation in a financial year, the receiver must lodge a disclosure return with the Commissioner within a statutory time period from the date of the receipt of the gift that exceeds the threshold.

During the period from 1 January until the end of polling day in an election year (from 1 July for the 2012 election), the disclosure must be made within 7 days of the receipt of the gift. At all other times the disclosure must be made within 30 days of its receipt. The Commissioner is required to publish the disclosure return as soon as practicable after it is lodged, and in practice this has been within a few days of lodgement.

Details of the disclosure of gifts received of \$1000 or more are available on the Elections ACT website.

There were over 30 late submissions of gift returns outside the 30 day disclosure period during the 2013/2014 reporting period. In relation to each late submission, the Commission sought a reason for the late disclosure and assessed the reply in accordance with the Commission's compliance policy.

In most cases, warning letters were sent to parties advising that the reasons they provided were accepted and that the Commissioner had chosen not to issue an infringement notice.

However, one parliamentary party, the Liberal Party, was issued with an infringement notice penalty during the reporting period of \$16,500 in relation to 15 late disclosures. The Commissioner was not satisfied that there was a reasonable excuse for the late disclosure. This penalty was paid as required.

Compliance and enforcement with financial disclosure

With the introduction of broader requirements for financial disclosure in the campaign finance reforms that came into effect as of 1 July 2012, the Commissioner has determined that a more frequent program of auditing should be implemented, particularly during periods surrounding ACT Legislative Assembly and federal elections. Audits will not only consider annual returns but also compliance with the reporting of gifts received of \$1000 or more.

During 2013/2014, the Commissioner engaged auditors to undertake audits of the 2012/2013 annual returns and compliance with the requirement to disclose gifts received of \$1000 or more.

The Commission intends to examine the operation of and compliance with the financial disclosure provisions in a special report to the Assembly to be submitted later in 2014/2015.

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

Performance indicator summary

| Objectives | Measures | Outcomes |
|---|--|-----------------------------------|
| Manage costs within budget allocations | Budget met | Expenditure was within budget. |
| Manage and improve ICT business systems | Absence of ICT business systems failures | No ICT business systems failures. |
| | | |

Key result area 3.1

Human resources management

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

A notable development in 2013/2014 was the negotiation of an independent budget for 2014/2015 and beyond for the office of the Commissioner under the new officer of the Assembly arrangements, including recurrent funding for an increase in the base staff establishment of the office of the Commissioner. A review of the staffing establishment and structure of the office of the Commissioner is expected to take place in 2014/2015.

Continuous improvement

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

Permanent staff are encouraged to pursue secondments to other agencies to contribute to international, interstate and national electoral projects and to develop new skills through on-the-job training and external training courses. No interstate secondments occurred in 2013/2014. However, staff attended various national workshops and conferences during the year, including an electoral regulation workshop and a workshop on the Senate voting system, each of which brought together electoral practitioners and law and political scientists in the field.

During 2013/2014, Elections ACT staff had several opportunities to undertake a range of learning and development activities (see **Learning and development** on page 76).

As Elections ACT is a small organisation, all staff meet in regular forums to participate in decision-making processes. These include regular staff meetings and corporate and strategic planning workshops.

All Elections ACT staff had a performance management plan for 2013/2014. The plans incorporated a formal review schedule, with one-on-one performance reviews.

For further information on human resources management in Elections ACT and in particular staff improvement and development opportunities, see **Staffing profile** on pages 78 and **Learning and development** on page 76.

Key result area 3.2

Financial management

The Commission was included in the JACS portfolio for budgetary reporting purposes for 2013/2014. Nevertheless, the Commissioner manages and monitors the Commission's internal operating budget performance. (From 1 July 2014, under the new officer of the Assembly arrangements, the Commissioner will be allocated, and be responsible for, a separate budget for the operations of the Commission.)

The total operating result for the Commission for 2013/2014 was a surplus of \$0.122 million with a further \$0.144 million rolled into the 2014/2015 financial year to implement campaign finance reforms.

Analysis of the Commission's budget performance in 2013/2014 is included under **Financial management analysis** on page 82.

Key result area 3.3

Records management

As required by the *Territory Records Act 2002*, Elections ACT has in place a records management program. A major review of the program was completed on 30 June 2014. It follows significant changes to existing electoral functions, the business classification scheme and records disposal schedules to maintain best practice and ongoing compliance with current standards for records management.

Following this review, the Territory Records (Records Disposal Schedule – Election & Referendum Services to Other Agencies Records) and Territory Records (Records Disposal Schedule – Elections & Referendums for the ACT Legislative Assembly Records) took effect on 1 July 2014.

A review of Elections ACT's files dated 1994–1997 was also completed in accordance with the Territory Records Act relating to entitlement of the public to access records that are 20 years old. Elections ACT maintains a register of records exempted under section 28 of the Territory Records Act.

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

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

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

Elections ACT's electronic records are stored on a central server maintained by Shared Services ICT, the ACT Government information technology management agency. Shared Services ICT is responsible for backing-up Elections ACT's data. Elections ACT also regularly backs up its database files on removable media.

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

The Elections ACT Records Disposal Schedule applicable to 2013/2014 was listed on the ACT Legislation Register as follows:

Table 18 – Records disposal schedule

| Records disposal schedule name | Effective | Year and number |
|---|-----------------------|-----------------|
| Territory Records (Records Disposal Schedule - Electoral Records) | Approval 18 June 2004 | NI2004-178 |
| | | |

Key result area 3.4

Information/communication technology management

ICT applications

Since the conduct of the Commission's first election in 1995, Elections ACT has progressively introduced a range of information and communications technologies aimed at improving electoral services for the ACT community. Elections ACT has led Australia in the adoption of many electoral ICT innovations, notably the electronic voting and counting system introduced at the 2001 election, ballot paper scanning introduced at the 2008 election, and eLAPPS, the electronic polling place management and roll mark-off system introduced at the 2012 election.

Elections ACT continues to maintain a wide range of databases and other ICT applications.

One of the most significant activities undertaken in 2013/2014 was the preparation and submission of an ICT budget bid for the redevelopment and upgrade of election critical business systems in preparation for the 2016 ACT election.

The business systems involved in the proposed ICT business system upgrade project are:

- eVACS® – Elections ACT's Electronic Voting and Counting System;
- The ballot paper scanning system;
- ERDS – the Election Results Display System;
- eLAPPS – the Electronic Legislative Assembly Polling Place System; and
- TIGER – Elections ACT's Election management database system.

In 2013/2014 Elections ACT adopted a new election project management system purchased from Scytl Australia Pty Ltd. This system is intended to streamline the project management of all the elections conducted by Elections ACT.

In developing and refining its ICT systems, Elections ACT consults with stakeholders through its Electronic Election Systems Reference Group. This group consists of representatives of political parties, MLAs and other special interest groups. The reference group will be reconvened in the lead-up to the October 2016 election to provide a briefing on progress towards the redevelopment of the ICT systems for the October 2016 election and to seek suggestions and feedback from the group.

ICT resources

Shared Services ICT, the ACT Government information technology management agency, continued to provide ICT resources to Elections ACT in 2013/2014. These arrangements will continue after 1 July 2014, when the Commission members become officers of the Legislative Assembly.

Internet

Elections ACT continued to maintain and update the Elections ACT website during 2013/2014. The Elections ACT website address is www.elections.act.gov.au.

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

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

Community engagement and support

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

In ACT Legislative Assembly election years, Elections ACT undertakes extensive engagement with the community through its information campaign and its direct provision of services to electors during the voting process. The Electoral Act also requires Elections ACT to consult the community in the lead-up to each Assembly election in relation to various statutory processes. The next Assembly election is in October 2016.

Since the 2012 election, the Commission has engaged in the use of social media, including Facebook, Twitter and YouTube accounts. This has facilitated a more personal and direct two-way communication channel between the Commission, electors and the ACT community.

The electoral boundaries redistribution process undertaken in the lead-up to every ACT Legislative Assembly election is also a significant community consultation activity carried out by the Commission. The next redistribution of boundaries is expected to commence in late 2014.

Applications to register a political party or to change the register of political parties must be publicly notified, and members of the public have the right to object to such applications. This process is discussed under **Party registration** on page 43.

The Commission also engages with the community through its electoral education program, which targets both school groups and community groups. For more information see **Electoral education program** on page 39.

Elections ACT relies heavily on its ICT systems in the conduct of elections and for managing its day to day business. In developing and refining its systems, Elections ACT consults with stakeholders through its Electronic Election Systems Reference Group. This group consists of representatives of political parties, MLAs and other special interest groups. The reference group will be reconvened in the lead-up to the October 2016 election to provide a briefing on progress towards the redevelopment of the ICT systems for the October 2016 election and to seek suggestions and feedback from the group on.

Ecologically sustainable development

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

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

- Power to computers, printers, photocopier and lights is turned off or placed on stand-by every night;
- Movement activated lights turn lights off when rooms are not used;
- Recyclable consumables are used when available and recycled paper is used for normal office work and for publications where appropriate;
- Office waste paper and toner is recycled; and
- Office staff waste plastics, batteries and paper products are recycled and organic waste is composted.

As a result, Elections ACT has achieved and maintained its status as an ACTSmart *Business and Office* accredited workplace since 2011/2012. Accreditation involves a yearly audit of waste reduction and recycling measures.

Measures taken in 2013/2014 to further improve the reduction of greenhouse emissions and ensure water efficiency include:

- Installation of blinds in the conference room to reduce heat build-up during the warmer months while still allowing the entry of light;
- Participation in the ACTSmart Government Energy and Water Program which provides tailored advice and assistance to help improve energy and water efficiency based on a site assessment; and
- Replacement of the old office refrigerator with a more energy efficient model.

For 2013/2014 Elections ACT fell within the Resource Management Plan for the Justice and Community Safety Directorate.

In aligning with the Government's commitments to waste minimisation, greenhouse emission reductions, water efficiency and transport efficiency, agencies are required to provide relevant data on their resource use. Table 19 outlines data extracted with respect to the Commission's occupancy. The 2013/2014 data represents the Commission's occupancy of North Building for the full year. However, the comparison data from 2012/2013 is a combination of data collected from the Commission's occupancy at two separate locations. The Commission's office was located in an Emergency Services Authority (ESA) owned building in Rae Street, Belconnen, from July to December 2012 to accommodate the 2012 election operations. This is an old building with very few energy saving features with a much larger floor area than the North Building tenancy. The Commission resumed its permanent office accommodation in North Building from January to July 2013.

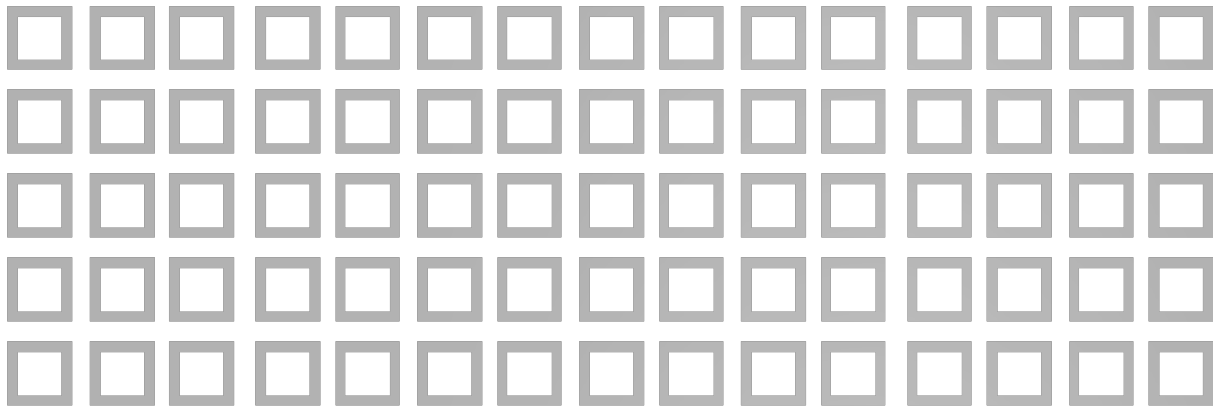
The Commission notes that some of this data is calculated by taking usage data calculated for the whole of North Building and several ESA Rae Street buildings respectively and dividing the results to estimate Elections ACT's share of each building's usage. The Commission considers that the elements of this table calculated in this way do not provide meaningful data on the actual usage experienced by Elections ACT.

Table 19 – Sustainable development performance 2012/2013 and 2013/2014

| Indicator as at 30 June | Unit | 2012/2013 | 2013/2014 | Percentage change |
|---|----------------|------------|-----------|-------------------|
| Agency staff and area | | | | |
| Agency staff ¹ | FTE | 7 | 10.5 | 50% |
| Workplace floor area ² | Area (m2) | 513 | 160 | -68.81% |
| Stationary energy usage | | | | |
| Electricity use ³ | Kilowatt hours | 101,846.67 | 33,007.78 | -67.59% |
| Renewable electricity use ⁷ | Kilowatt hours | N/A | N/A | N/A |
| Natural gas use ⁴ | Megajoules | N/A | N/A | N/A |
| Transport fuel usage | | | | |
| Total number of vehicles | Number | 2 | 1 | -50% |
| Total kilometres travelled | Kilometres | 17,581 | 66 | -100% |
| Fuel use – Petrol | Kilolitres | 1.863 | 0.012 | -100% |
| Fuel use – Diesel | Kilolitres | N/A | N/A | N/A |
| Fuel use – Liquid Petroleum Gas (LPG) | Kilolitres | N/A | N/A | N/A |
| Fuel use – Compressed Natural Gas (CNG) | Kilolitres | N/A | N/A | N/A |
| Water | | | | |
| Water use | Kilolitres | 62 | 84 | 35.48% |
| Resource efficiency and waste | | | | |
| Reams of paper purchased | Reams | 189 | 168 | -11.11% |
| Recycled content of paper purchased | Percentage | 90% | 98.2% | 9.11% |
| Waste to landfill ⁵ | Litres | 18,000 | N/A | N/A |
| Co-mingled material recycled | Litres | 5,280 | 3,120 | -40.91% |
| Paper and cardboard recycled (incl. secure paper) | Litres | 14,720 | 57,330 | 289.47% |
| Organic material recycled | Litres | 564 | 393 | -30.32% |
| Greenhouse gas emissions | | | | |
| Emissions from stationary energy use ⁶ | Tonnes CO2-e | 108.53 | 41.44 | -61.82% |
| Emissions from transport ⁶ | Tonnes CO2-e | 4.77 | 0 | -100% |
| Total emissions | Tonnes CO2-e | 113.30 | 41.44 | -63.42% |

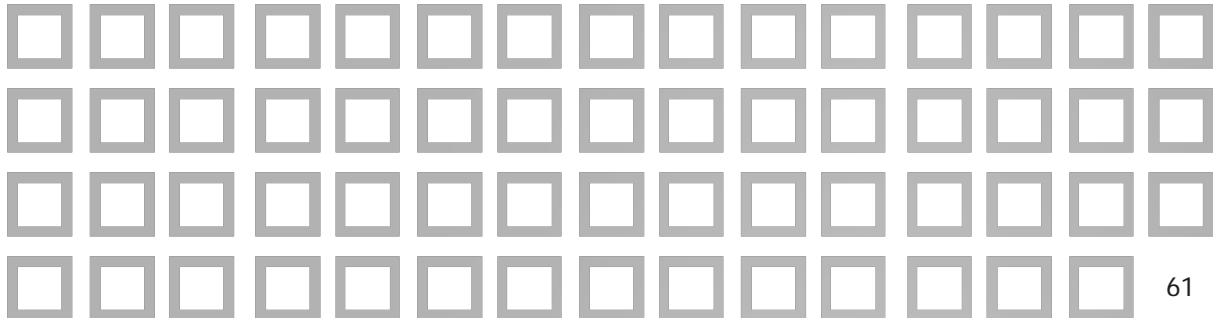
Notes

1. As required by the annual report directions, the staffing figures presented are as at pay 26, 18 June 2014. This table does not include the 2 part-time Commission Members or the casual staff employed under the Electoral Act during the year.
2. The Commission occupied 58% (866m²) of Rae Street, Belconnen between July 2012 and December 2012. The Commission currently occupies 2.08% (160m²) of the North Building.
3. The electricity was calculated as a percentage of the total North Building usage as well as a percentage of the total Rae Street usage of electricity for 2012/2013.
4. The ACT Property Group was unable to provide the gas consumption figures for the North Building for 2013/2014.
5. For 2012/2013, the estimate of general waste is based on waste generated at Rae Street, Belconnen only. The ACT Property Group was unable to provide the general waste figures for the North Building for 2012/2013 and 2013/2014.
6. These items are calculated using the Australian Government Department of Climate Change 'Online System for Comprehensive Activity Reporting' (OSCAR) for tracking energy and greenhouse data.
7. ACT Property Group purchased 7,530 MWh (Mega Watt hours) of GreenPower on behalf of the ACT Government, representing 5% of the ACT Government's energy consumption for 2013-14.



Part C: Governance and accountability reporting

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Internal accountability

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

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

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

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

The Electoral Commissioner performs the statutory role of chief executive officer of the Commission. The Commissioner is empowered to make a wide range of decisions under the Electoral Act and the Public Sector Management Act. The Commissioner generally approves all major projects undertaken by Elections ACT staff, including contracts, legislative instruments, publications and memorandums of understanding for fee-for-service elections. The Commissioner also carries delegations under the *Financial Management Act 1996* to commit expenditure up to the limit of the Commission's budget. (From 1 July 2014 the Commissioner will exercise full director-general functions under the Financial Management Act under the new officer of the Assembly arrangements.)

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

The ACT Executive made an instrument under the Electoral Act appointing the Deputy Electoral Commissioner to act as the Electoral Commissioner during any period when the Electoral Commissioner was absent on approved leave of absence (other than personal leave) for longer than 5 working days. (From 1 July 2014 the Electoral Commissioner has made a standing appointment with similar effect under the new officer of the Assembly arrangements, following consultation with the Speaker.)

The Commission's management structure is described under **Organisational Structure** on page 5. Details of the Commission's corporate and operational plans can be found at **Corporate Plan 2013-2017** on page 7. Details of the Commission's performance reporting arrangements can be found at **Performance indicators** at page 8. From 1 July 2014 the Commission will no longer be required to include performance indicators in the budget papers, following the Commission members' establishment as officers of the Assembly. However, the Commission will continue to report on its performance indicators in its annual reports.

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

For administrative purposes the Commission was an independent statutory authority within the Justice and Community Safety portfolio up to 30 June 2014. (From 1 July 2014 the Commission will operate as independent officers of the Assembly.) The Commissioner exercised financial powers under the Financial Management Act as a delegate of the Director-General of the Justice and Community Safety Directorate, who retained legislative responsibility for and maintains an oversight role of the Commission's budget. In 2013/2014 the Commissioner was a member of the Directorate's consultative management committee, JACSCOM, and the JACS Statutory Officer Holders Forum.

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

Risk management and internal audit

Risk management

The Commission updated and monitored its strategic risk register during 2013/2014. This register includes risk assessment and mitigation strategies for the following classes of risks:

- Reputation and image;
- Products and services;
- Operational;
- Environment
- Assets;
- People;
- Technology; and
- Fraud.

Elections ACT maintained its Business Continuity Plan in 2013/2014. The plan will be reviewed in 2014/2015 following the Commission's establishment as officers of the Assembly from 1 July 2014.

Under the direction of the Electoral Commissioner, Elections ACT undertakes risk management assessments for all its major projects and contracts. The Commission takes a strategic interest in these assessments where they bear on its statutory duties.

During the reporting period the Commission and Elections ACT continued the task of assessing risks as part of the preparation of business requirements and specifications for the development of its ICT election systems, and with respect to its preparations for and conduct of the October 2016 ACT election. In particular, changes were made to the strategic risk register to reflect risks emerging in other jurisdictions, including issues arising in relation to the 2013 federal election and campaign finance disclosures in NSW.

Internal audit

As Elections ACT is too small to undertake its own internal audit processes, in 2013/2014 it took part in the JACS internal audit arrangements. See the JACS Annual Report for details on these arrangements.

The Commission's finances for 2013/2104 are being audited as part of the JACS portfolio.

Fraud prevention

Prevention strategies

This is a matter for which the Electoral Commissioner is responsible. Elections ACT employed the following fraud prevention strategies in 2013/2014:

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

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

The eLAPPS electronic electoral roll mark-off system developed by Elections ACT for use in polling places at the 2012 ACT Legislative Assembly election includes a feature that resulted in names of voters being marked as having voted on all electronic rolls used at all polling places, within minutes of a name being marked off the roll. This feature is intended to reduce opportunities for fraudulent voting.

Detection strategies

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

There were no reports or allegations of fraud or corruption received in 2013/2014.

Legislative Assembly inquiries and reports

The Select Committee on Amendments to the *Electoral Act 1992*

The Legislative Assembly established the Select Committee on Amendments to the *Electoral Act 1992* in March 2014. This Committee inquiry concluded in June 2014 with the publication of the Committee's report. The report was published on 30 June 2014 and presented to the Legislative Assembly on 5 August 2014.

The Committee examined a range of electoral matters, including the proposed increase in the size of the Assembly, campaign finance issues and the Commission's *Report on the ACT Legislative Assembly Election 2012*.

The Commission presented a detailed submission to the Committee.

The Commissioner also appeared as a witness before the Committee on 9 May 2014 and provided written responses to questions taken on notice.

The Committee's report *Voting Matters* (report number 1 of 30 June 2014) can be found at www.parliament.act.gov.au/in-committees/select_committees/select-committee-on-amendments-to-the-electoral-act-1992/inquiry-into-amendments-to-the-electoral-act-1992/papers?inquiry=607587.

For further information on this Committee inquiry, see **Review of the 2012 election** on page 16.

The Commission intends to provide a further report to the Assembly on its consideration of the recommendations made by the Committee. As at the time of writing this report, the Government had not responded to the Committee's report.

The Standing Committee on Justice and Community Safety

The Electoral Commissioner represented the Commission at a hearing of the Standing Committee on Justice and Community Safety in relation to the Commission's 2012/2013 annual report on 13 November 2013.

The Committee's report *Annual And Financial Reports 2012-2013* (Report Number 2 of March 2014) was tabled in the Assembly on 18 March 2014.

While the Committee made no recommendations with respect to electoral services, it made the following comments at page 55 in relation to the forthcoming establishment of the Commission members as officers of the Assembly:

6.79 The Committee notes the advent of new legislative arrangements that will see the Commission increase its independence from executive government. The Committee looks forward to its new role in performing scrutiny, on behalf of the Legislative Assembly, over the work of the Electoral Commission. It looks forward to assisting the Commission in its work, in a relationship similar to that between the Standing Committee on Public Accounts and the ACT Auditor-General.

6.80 In the Committee's view this enhances the work and position of the Commission. It also enhances that of the Assembly which, by way of the Committee, moves into a new and distinctive role in protecting, and holding to account, this important statutory office. Clearly, elections hold a central place in the political system of the ACT. The enhanced perception of independence and impartiality that will arise from these new arrangements is a significant contribution to the future health and reputation of the ACT system of government.

The Select Committee on Estimates 2013/2014

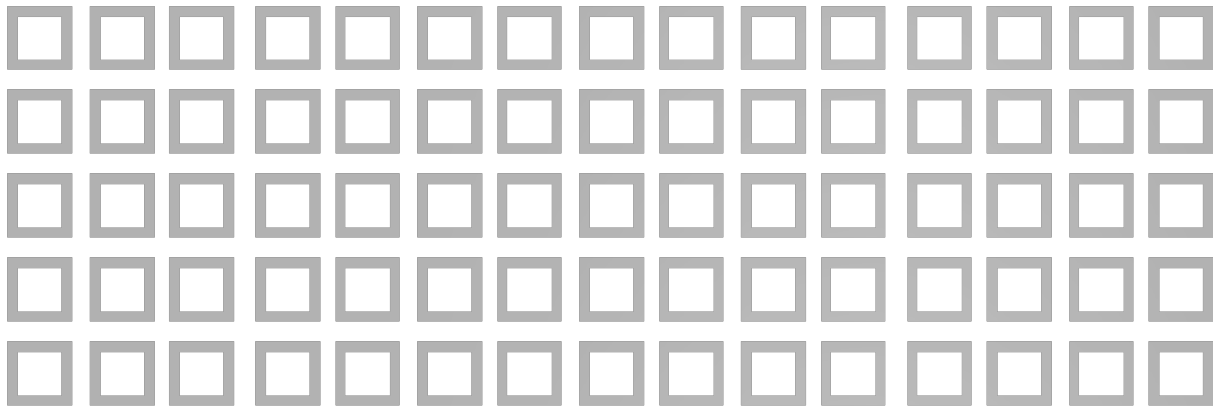
The Select Committee on Estimates 2013/2014 tabled its report *Appropriation Bill 2013-2014 and Appropriation (Office of the Legislative Assembly) Bill 2013-2014* on 13 August 2013.

The report noted that a range of matters had been considered relating to the evidence provided to the Committee by the Electoral Commissioner in the previous reporting period, however the Committee made no recommendations with respect to electoral services.

The Select Committee on Estimates 2014/2015

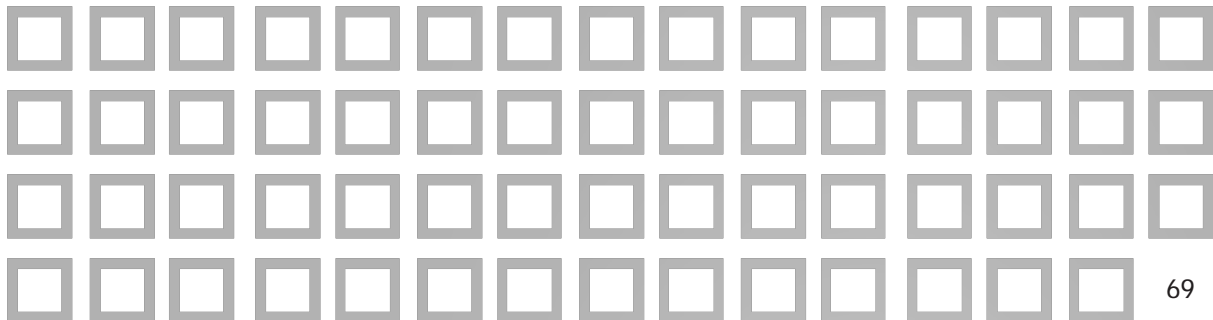
The Electoral Commissioner also represented the Commission at a hearing of the Select Committee on Estimates 2014/2015 on 12 June 2014.

The Committee reported in August 2014, outside the 2013/2014 reporting period. Again, the report noted that a range of matters had been considered relating to the evidence provided to the Committee by the Electoral Commissioner, however the Committee made no recommendations with respect to electoral services.



Part D: Legislation based reporting

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Public interest disclosure

The *Public Interest Disclosure Act 1994* requires each ACT Government agency to establish and maintain procedures to facilitate the making of public interest disclosures. The Commission adopted procedures implemented by JACS for 2013/2014.

The Commission will be revising its public interest disclosure procedures in 2014/2015 following the establishment of the Commission as officers of the Legislative Assembly.

During 2013/2014 no public interest disclosures related to the Commission were lodged.

Freedom of information

Section 7 statement

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

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

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

Establishment and powers

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

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

Arrangements for external participation

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

- Members of the public are invited to make suggestions, comments and objections regarding proposed changes to electoral boundaries;
- Members of the public are invited to lodge objections to applications for, and some changes to, registration of political parties;
- An elector may object to the enrolment of a person on the grounds that the person is not entitled to enrolment;

- Scrutineers representing candidates at the polling may object to a person voting, and at the count of votes may object to the inclusion or exclusion of ballot papers;
- Members of the public may make a complaint to the Electoral Commissioner alleging a contravention of the Electoral Act – the Commissioner is required to investigate, or refer to the appropriate authority for investigation, any such complaint, unless the Commissioner believes on reasonable grounds that the complaint is frivolous or vexatious; and
- Approaches from the community on any electoral matter are welcomed by the Commission and Elections ACT.

Documents

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

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

The following documents are available for inspection and purchase:

- The register of political parties;
- Annual returns of donations, expenditure and debts submitted by political parties, MLAs, associated entities and donors;
- Election returns of donations and expenditure submitted by political parties, candidates, broadcasters and publishers, donors and other political participants; and
- Returns of donations received of \$1000 or more.

The documents listed under **Publications** on page 26 are provided free of charge (except for electronic voting data on CD-ROM; however this data is available for free download from the Elections ACT website).

Facilities for access

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

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

Section 8 Statement

Section 8 of the FOI Act requires the Commission to publish a statement of documents used for the purpose of making decisions or recommendations. This statement is available on request and is included on the Elections ACT website at www.elections.act.gov.au/about_us/freedom_of_information.

Section 79 Statement

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

The Commission did not receive any FOI requests in 2013/2014, nor were any FOI matters outstanding at 1 July 2013.

Contact officer

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

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

Telephone: (02) 6205 0033

Fax: (02) 6205 0382

Or write to:
PO Box 272, Civic Square ACT 2608

Or email:
elections@act.gov.au

Website:
www.elections.act.gov.au

Human Rights Act

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

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

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

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

Elections ACT takes a range of steps intended to ensure that its services are accessible to members of the ACT community who have a disability or come from a culturally and linguistically diverse background. Elections ACT maintains office space where public documents can be viewed. This space is accessible to people who have a disability. The Elections ACT website allows for large format and text descriptions and key election publications are made available in alternative formats including audio. Key information on enrolment and voting at ACT Legislative Assembly elections is provided in 12 languages other than English. Improved accessibility information has been developed and is being used in Elections ACT publications.

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

The Commission provides an active education program and a range of information material to develop and enhance the knowledge and understanding needed by ACT citizens to participate in the public life through voting and being elected.

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

All lists of polling places provided in the Commission's public information material indicate which polling places are accessible to people using wheelchairs and the degree of accessibility. Polling place locations are chosen to maximise the number of polling places that have wheelchair access and include a voting compartment that can be used by a person in a wheelchair. All pre-poll voting locations are accessible by wheelchair.

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

Elections ACT's electronic voting system is designed to allow people who are blind or have vision impairment to vote in secret, without assistance. Every electronic polling place is equipped with a voting terminal that can be used by a person seated in a wheelchair or in the supplied seat. Each of these terminals has a 21 inch (or larger) monitor (compared to 19 inch monitors used in 2012 in standard voting screens). These terminals are equipped with headphones that broadcast spoken instructions. Using this system, people with vision impairment are able to vote in secret using a telephone style keypad.

The electronic voting system provides voting instructions in a number of languages other than English to assist voters from culturally and linguistically diverse backgrounds. Bilingual educators are employed at the time of the election to disseminate key information about the election within their communities in-language and a Q & A factsheet of information is provided in 12 languages other than English.

Territory Records Act

A description of the Commission's compliance with the Territory Records Act is set out at **Key result area 3.3 – Records management** on page 53.

Legal services directions

Section 11 of the *Law Officers Act 2011* provides that the Attorney General may issue legal services directions, including model litigant guidelines. Section 15 of the *Law Officers Act* provides that agencies must report on measures taken to ensure compliance with the legal services directions.

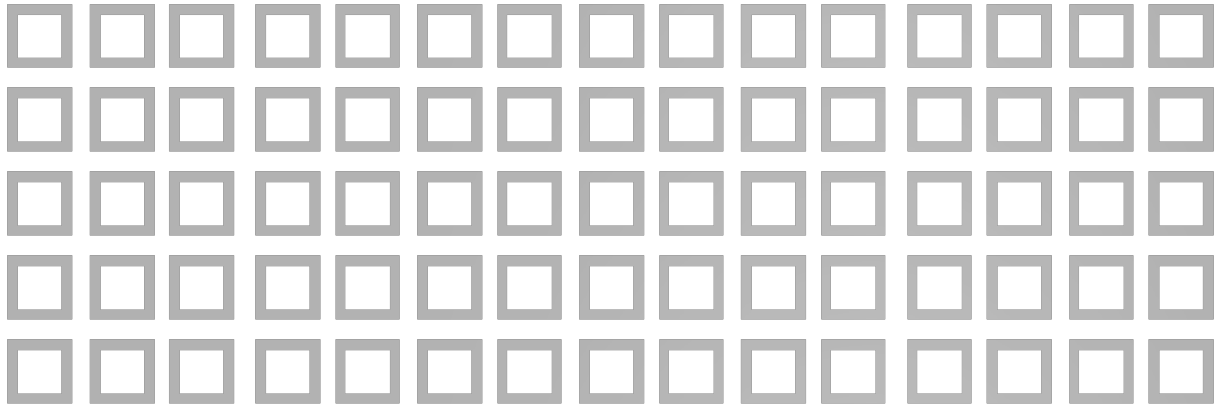
Agencies must also report on any breaches of the directions.

The *Law Officers (General) Legal Services Directions 2012* and the *Law Officer (Model Litigant) Guidelines 2010 (No 1)* apply to all Territory legal work.

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

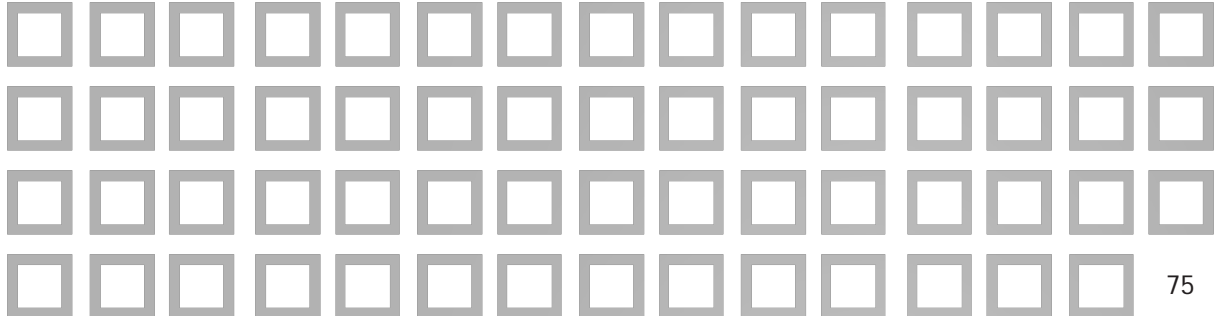
- All instructions in relation to disputes are passed through the Electoral Commissioner and the Deputy Electoral Commissioner;
- The Commission's legal services are provided by the ACT Government Solicitor's office, which would if required review the Commission's instructions to ensure compliance with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

No breaches of the legal services directions or the model litigant guidelines by the Commission occurred during the financial year.



Part E: Human resources management reporting

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Human resources management

For details on human resources management in the Commission, see **Key Result Area 3.1 Human Resources Management** on page 51, **Staffing profile** on page 78 and **Learning and development** below.

Learning and development

During 2013/2014, Elections ACT permanent staff participated in learning and development activities, including attending various courses and seminars. To facilitate Elections ACT's learning and development strategy, each staff member is allocated an average of \$1,000 in the Commission's budget each year.

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

Learning and development opportunities undertaken in 2013/2014 are shown in Table 20.

Table 20 — Elections ACT learning and development activities

| Initiative | Number of participants |
|---|------------------------|
| Studies assistance | 2 |
| Writing for the web | 1 |
| First aid training | 1 |
| Public Service seminar series | 2 |
| Australian parliamentary educators conference | 1 |
| Curriculum conversations | 2 |
| Microsoft Excel advanced course | 1 |
| HR master class series | 1 |
| Budgeting and forecasting essentials | 1 |
| Introduction to procurement | 3 |
| Records management training | 1 |
| Preparing for that business case | 1 |
| | |

Work health and safety

In all of its activities Elections ACT gives careful consideration to workplace health and safety (WHS) principles and practices. Elections ACT has adopted the whole of government WHS policy and had access to JACS WHS personnel in 2013/2014.

Elections ACT has two fire wardens, a WHS officer and a designated first aid officer.

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

There were no workers compensation claims or any other notifiable issues arising under the *Work Health and Safety Act 2011* during the reporting period.

Workplace relations

Enterprise agreements

The *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017* was approved by Fair Work Australia on 23 May 2014 and became operational on 30 May 2014. Salary increases were backdated to 1 July 2013 and have an expiry date of 20 June 2017. This Agreement covers Elections ACT staff employed under the Public Sector Management Act.

Australian Workplace Agreements

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

Special Employment Arrangements

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

Staffing profile

The following tables set out details of permanent staff employed during 2013/2014, including the Electoral Commissioner. As required by the annual report directions, the figures presented are as at pay 26, 18 June 2014. The tables do not include the 2 part-time Commission Members or the casual staff employed during the year to assist with the conduct of other elections.

Table 21 — FTE and headcount

| | Female | Male |
|----------------------------|--------|-------|
| FTE by gender | 6.7 | 3.8 |
| Headcount by gender | 8 | 4 |
| % of workforce (headcount) | 66.7% | 33.3% |

Table 22 — Classifications

| Classification group | Female | Male | Total |
|--------------------------|----------|----------|-----------|
| Administrative officers | 6 | 0 | 6 |
| Senior officers | 2 | 3 | 5 |
| Statutory office holders | 0 | 1 | 1 |
| Total | 8 | 4 | 12 |

Table 23 — Employment category by gender

| Employment category | Female | Male | Total |
|----------------------------------|----------|----------|-----------|
| Casual | 0 | 0 | 0 |
| Permanent full-time | 4 | 1 | 5 |
| Permanent part-time | 1 | 1 | 2 |
| Temporary full-time ¹ | 1 | 2 | 3 |
| Temporary part-time | 2 | 0 | 2 |
| Total | 8 | 4 | 12 |

Note 1: The Electoral Commissioner is classed as being a temporary full-time employee, as a statutory office holder employed for a fixed term.

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

| Average length of service ¹ | Pre-baby boomers | Baby boomers | Generation X | Generation Y | Total F | Total M |
|--|------------------|--------------|--------------|--------------|---------|---------|
| 0-2 | | | | | 3 | 1 |
| 2-4 | | | | | | |
| 4-6 | | | | | 1 | 1 |
| 6-8 | | | | | 1 | |
| 8-10 | | | | | | |
| 10-12 | | | | | 2 | 1 |
| 12-14 | | | | | | |
| 14+ years | | | | | 1 | 1 |
| | | | | | | |

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

| Generation | Birth years covered | Generation | Birth years covered |
|------------------|------------------------|--------------|------------------------|
| Pre-baby boomers | prior to 1946 | Generation X | 1965 to 1979 inclusive |
| Baby boomers | 1946 to 1964 inclusive | Generation Y | from 1980 and onwards |
| | | | |

Table 25 — Total average length of service by gender

| Gender | Average length of service |
|--------------|---------------------------|
| Female | 7.3 |
| Male | 12.1 |
| Total | 8.9 |

Table 26 — Age profile

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

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

Table 27 — Agency profile

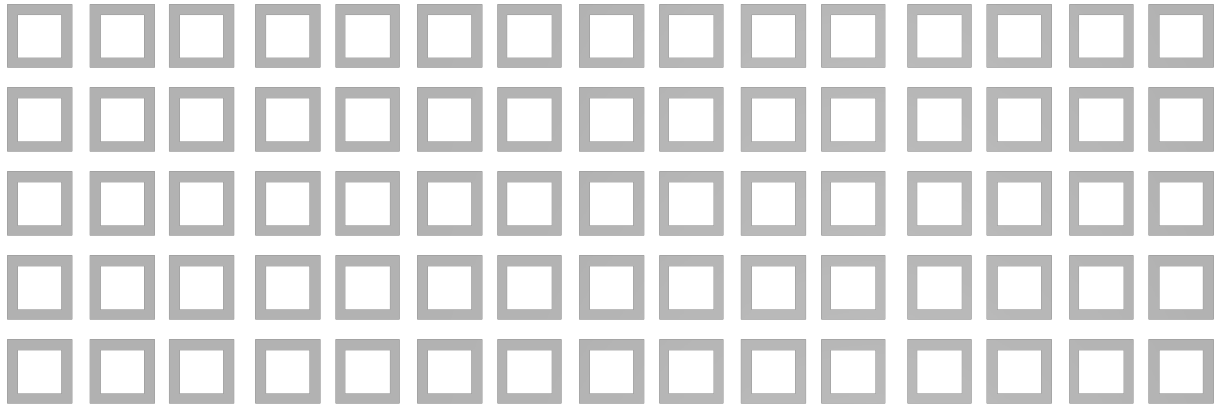
| Agency | FTE | Headcount |
|--------------------------|-------------|-----------|
| ACT Electoral Commission | 10.5 | 12 |
| Total | 10.5 | 12 |

Table 28 — Agency profile by employment type

| Agency | Permanent | Temporary | Casual |
|--------------------------|-----------|-----------|----------|
| ACT Electoral Commission | 7 | 5 | 0 |
| Total | 7 | 5 | 0 |

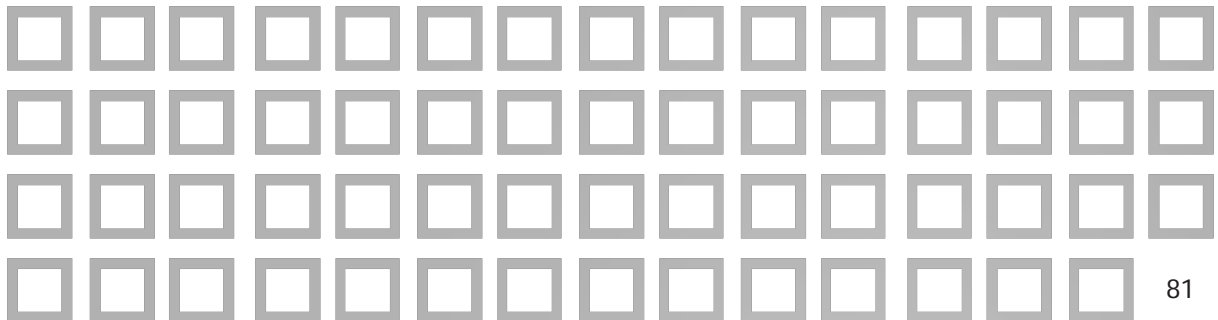
Table 29 – Equity and workplace diversity

| | A | B | C | | |
|------------------|---|--|--|---|-------|
| | Aboriginal and/or Torres Strait Islander Employment | Culturally & Linguistically Diverse Employment | Employment of people with a disability | Number of employees who identify in any of the Equity & Diversity categories (A, B, C)* | Women |
| Headcount | 0 | 2 | 0 | 2 | 8 |
| % of total staff | 0.0% | 16.7% | 0% | 16.7% | 66.7% |



Part F: Financial management reporting

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Financial management analysis

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

The Commissioner's total budget allocation in 2013/2014 was approximately \$2.542 million. Of this amount, a total of \$0.118 million was allocated for election readiness and \$1.140 million was allocated for campaign finance reform, including \$0.387 million rolled over from the previous financial year. Details of the Commission's budget and expenditure are included in Table 22 on page 83. Funding rolled over from 2012/2013 to 2013/2014 amounting to \$0.069 million for the capital upgrade of the Elections ACT ICT systems was completed with the purchase of election project management software.

The funding provided to the Commissioner is broken down into expenditure on "variable" and "fixed" items. The Commissioner has direct control over the variable expenses component, with JACS managing the fixed expenses relating to Elections ACT. Variable expenditure includes salaries, overtime, allowances, leave, superannuation and the operational costs of Elections ACT. Fixed expenses include workers' compensation, office accommodation, cleaning, utilities, insurance and depreciation. Elections ACT was underspent in both variable and fixed expense budget allocations. Due to deferral of expenditure on campaign finance reform, \$0.144 million was rolled over to 2014/2015.

The total operating result for Elections ACT for 2013/2014 was a surplus of \$0.122 million. This underspend was achieved by employing fewer staff than anticipated and through operational savings.

From 1 July 2014 the members of the Commission will be officers of the Assembly, following amendments made to the Electoral Act by the *Officers of the Assembly Legislation Amendment Act 2013*. This change in status will impose additional corporate overhead costs for the Commission from 2014/2015 onwards. Additional funding was provided in the 2014/2015 budget for this purpose. As an officer of the Assembly the Electoral Commissioner will have the financial reporting responsibilities of a director general under the Financial Management Act.

Successful negotiations for the Commissioner's budget for 2014/2015 and beyond for the office of the Commissioner under the new officer of the Assembly arrangements took place in 2013/2014. This budget includes capital funding for 2016 election ICT projects, recurrent funding for an increase in the base staff establishment of the office of the Commissioner and funding for the 2016 election.

With the agreement of the Chief Minister, the Speaker and the relevant Assembly Committee, these budget negotiations were conducted following the process set out in the Financial Management Act as amended by the Officers of the Assembly Legislation Amendment Act, notwithstanding that these amendments did not formally commence until 1 July 2014. As a result, the Commissioner's proposed budget was formally presented to the Treasurer by the Speaker after consultation with the Commission and the relevant Assembly Committee, the Justice and Community Safety Committee.

Financial statements

The Commission does not have financial reporting obligations under the Financial Management Act for 2013/2104. The Commission was included in the JACS portfolio for budgetary purposes for this year. In the JACS administrative structure for 2013/2014, the Commission was included in Output Class 1.6 – Electoral Services.

The financial transactions for the Commission for the year ending 30 June 2014 are formally reported in the consolidated financial statements of the JACS Annual Report. The Commission's financial results have been audited for the purposes of the *Audit Act 1989* as part of the JACS portfolio.

Table 22 shows the operating costs of the Commission for the reporting year for information purposes only. This table should be read in conjunction with the JACS financial statements shown in its Annual Report. The table does not include JACS corporate overheads charged to electoral services.

Table 30 — Financial summary for 2013/2014

| ACT Electoral Commission | Budget \$'000 | Actual/ Outcome \$'000 |
|--------------------------------|------------------|------------------------------|
| Revenue | | |
| Government payment for outputs | 2,542 | 2,412 ¹ |
| Other revenue | 19 | 36 |
| Total revenue | 2,562 | 2,448 |
| Expenses | | |
| Employee expenses | 1,168 | 934 |
| Superannuation | 208 | 161 |
| Administration expenses | 1,177 | 943 |
| Depreciation | 306 | 287 |
| Total expenses | 2,859 | 2,325 |
| Operating result | -297 | 122 |

Note 1: The actual/outcome column demonstrating the Government Payment for Outputs excludes the roll over amount of \$0.144 million into 2014/2015.

Capital funding

In 2009/2010, the Commission received capital funding of \$1.373 million over 4 years for the upgrade of its election ICT systems for the 2012 Legislative Assembly election. This project was financially completed in October 2013 with the final expenditure of \$0.069 million amount.

Additional funding was sought by Elections ACT in the 2012/2013 budget process for implementing the new campaign finance laws that came into effect on 1 July 2012. The 2012/2013 budget included additional funding for electoral services to cover additional staff costs for 2012/2013 and 2013/2014, the cost of implementing on-line reporting of disclosures, and funds to cover the increase in election public funding and the new administrative expenditure funding for parties. A total of \$0.823 was allocated in the budget for the campaign finance reforms.

Owing to the focus in 2012/2013 on the 2012 election, the Commission did not spend all of the funds allocated to it for the campaign finance reforms and rolled \$0.387 million into the Commission's 2013/2014 budget. A further \$0.144 million was rolled to 2014/2015 financial year to further develop and implement an online disclosure return system and further implement campaign finance reform initiatives that were not fully expended in 2013/2014.

Asset management

Elections ACT's assets, accommodation details and energy reduction strategies are included in the JACS asset management strategy and reported on in the JACS Annual Report for 2013/2014.

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

Government contracting

Procurement principles and processes

The processes used to select and manage all contractors during 2013/2014 complied with the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007*.

External sources of labour and services

In 2013/2014, the Commission engaged the contractors listed in Table 23 to provide services that exceeded \$25,000 over the life of the contract. The procurement process for these contracts was reviewed by ACT Procurement Solutions where required.

Table 31 — External sources of labour and services 2013/2014

| Name of contractor | Description of contract | Date contract let or work order commenced | Expenditure in the financial year \$ | Procurement type |
|---------------------------|--|---|--------------------------------------|------------------|
| SEMA Group Pty Ltd | ACT Elections ballot paper scanning | 7/10/2011 | \$7,000.00 | Select |
| Donald Francis O'Connor | Provision of TIGER redevelopment | 20/03/2013 | \$33,944.20 | Single select |
| Scytl Australia Pty Ltd | Licence, implementation & annual assurance for Clarity Control | 15/08/2013 | \$69,000.00 | Single select |
| Callida Consulting | Electoral disclosure audit services | 27/09/2013 | \$12,450.00 | Select |
| 2B Advertising and Design | Development of electoral education videos | 14/04/2014 | \$35,377.50 | Select |
| | | | | |

Two single select contracts are listed above. These contracts were entered into on this basis as only 1 supplier could be identified in each case who was able to supply the required goods or services.

Statement of performance

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

Discussion of the Commission's performance indicators is included in this report under **Performance indicators** on page 8 and under **Performance analysis** from pages 15 to 55.

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