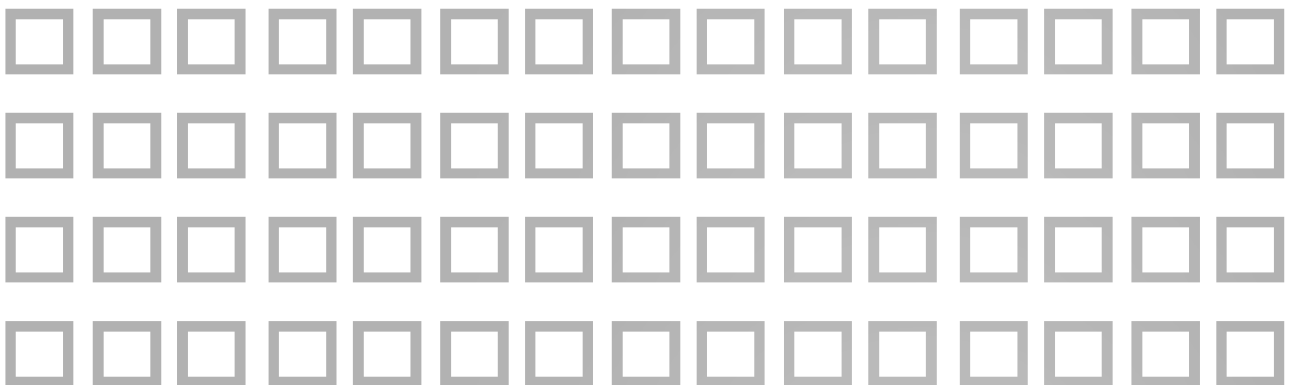


ACT Electoral Commission Governance framework

Version 1.0

11 August 2015



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Definition of terms

<i>Term</i>	<i>Definition</i>
ACT Electoral Commission	An independent statutory authority established under the <i>Electoral Act 1992</i> comprising a Chairperson, the Electoral Commissioner and a Member. ¹ Each of these entities is an officer of the ACT Legislative Assembly. ²
Commissioner for Public Administration (PA Commissioner)	The PA Commissioner advises the Chief Minister on the management of the service as a whole and exercises any other functions given to the Commissioner by law ³ .
Delegated authority	The Electoral Commission may delegate to the Commissioner or an officer or member of the Commission's staff the Commission's functions under the <i>Electoral Act 1992</i> or any other law (except for its powers in relation to redistributions and review of decisions). ⁴ The Electoral Commissioner may delegate to an officer or member of the Commission's staff the Electoral Commissioner's functions under the <i>Electoral Act 1992</i> , <i>Public Sector Management Act 1994</i> (PSM Act) or any other law (except for the Commissioner's powers in relation to redistributions). ⁵
Electoral Commissioner	The Electoral Act provides for the appointment of the Electoral Commissioner. ⁶
Elections ACT	The Electoral Commissioner and the staff employed under the PSM Act and the Electoral Act to assist the Electoral Commissioner.
Employees	Employees are officers or temporary and casual employees who have obligations under the PSM Act and/or the Electoral Act.
Public sector officer	An officer or employee, or a statutory office-holder, or a person otherwise exercising a function on behalf of the Territory. ⁷

¹ Sections 5 and 6 *Electoral Act 1992*

² Sections 5 and 6 *Electoral Act 1992*

³ Section 20 *Public Sector Management Act 1994*

⁴ Section 33B *Electoral Act 1992*

⁵ Section 33C *Electoral Act 1992*

⁶ Section 6A *Electoral Act 1992*

⁷ Section 36 *Public Sector Management Act 1994*

1. The organisation

The ACT Electoral Commission (the 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 ACT Legislative Assembly, following amendments made to the Electoral Act by the *Officers of the Assembly Legislation Amendment Act 2013*. This status confers a high level of independence from the Executive on the Commission.

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

The Commission is responsible under the Electoral Act for key over-arching electoral functions, including providing information and advice to the Assembly, the Speaker, 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 Electoral Commissioner or the Commissioner's delegates.

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

The Commissioner, as an officer of the Legislative Assembly with head of service and director-general powers, also has specific functions and responsibilities under the *Public Sector Management Act 1994* and the *Financial Management Act 1996*, among others.

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. Where Elections ACT staff perform functions delegated to them by the Commission they are subject to this Governance Framework and any written or oral directions of the Commissioner.

The Commissioner is appointed on a full-time basis. The Chairperson and the Commission Member are appointed on a part-time basis. The members of the Commission are employed on terms and conditions determined by the ACT Remuneration Tribunal.

The Attorney General is the Minister responsible for electoral matters and the Justice and Community Safety (JACS) Directorate provides policy advice to the Attorney General on electoral matters. Under the changes that commenced on 1 July 2014 that established the Commission members as officers of the Assembly, the Commission does not have a formal relationship with the Attorney General or the JACS Directorate.

2. Legislative framework

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

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

3. Governance framework

3.1 Purpose of the governance framework

The ACT Electoral Commission governance framework has been approved by the Commission. It defines the governance framework and arrangements that underpin the Commission's operating environment.

One of the aims for articulating the governance structure, systems and processes is to ensure Commission employees have an accurate and sound understanding of their obligations, and the mechanisms available for raising and reporting any governance issues.

This document has been developed with reference to the:

- Australian Standard Good Governance Principles (AS8000 – 2003);
- Australian National Audit Office Better Practice Guide on Public Sector Governance, July 2003;
- Public Sector Management Act 1994;
- Financial Management Act 1996;
- ACT Public Service (ACTPS) Code of Conduct; and
- ACTPS Integrity Policy.

3.2 Definition of governance

"The processes by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, direction and control exercised in the organisation" (ANAO, 2003).

Good governance focuses on two main requirements:

- Performance, whereby the organisation uses its governance arrangements to contribute to its overall performance and the delivery of its programs and services; and
- Conformance, whereby the organisation uses its governance arrangements to ensure it meets the requirements of the law, regulations, published standards and community expectations of probity, accountability and openness.

3.3 Governance legislative framework

The [Electoral Act 1992](#) sets out the key functions and responsibilities of the Commission and the Electoral Commissioner. Other electoral responsibilities are set out in the legislation listed in *Section 2: Legislative framework*.

The [Public Sector Management Act 1994](#) (PSM Act) establishes the ACT Government Service, defines the values, principles, and employee obligations that apply in the ACT public sector and provides for the administrative arrangements. It includes the ACTPS Code of Ethics, reflected as section nine of the PSM Act, and is supported by the Public Sector Management Standards 2006.

The [Financial Management Act 1996](#) (FMA) sets the legislative basis for the financial framework under which the Territory operates and includes requirements for clear and concise reporting to the Legislative Assembly and the community. The [Auditor-General Act 1996](#) gives power to the ACT Auditor-General to ensure that monies are spent appropriately and in accordance with the FMA.

The ACT was the first place in Australia to directly incorporate international human rights standards into local law and governance. The [Human Rights Act 2004](#) requires that all ACT laws be interpreted and applied consistently with those standards and an understanding of it should inform the work of all public sector employees in the ACT. Further information about the law is available on the Human Rights Commission website at www.hrc.act.gov.au.

3.4 Principles of governance

The Commission is committed to the implementation of effective good governance, underpinned by the principles of:

- Accountability;
- Transparency and openness;
- Integrity; and
- Leadership and stewardship⁸.

Accountability – the process whereby the Commission and its staff are held responsible for their decisions and actions and submit themselves to appropriate external scrutiny. It is achieved by all parties having a clear understanding of those responsibilities and having clearly defined roles through a robust structure. This responsibility extends across a range of areas including probity and ethics as well as effective and efficient implementation of programs.

Transparency and openness – is required to ensure stakeholders have confidence in the decision-making processes and actions of the Commission, in the management of its activities and its employees. Being open, through meaningful consultation with stakeholders and employees and communication of full, accurate and clear information leads to effective and timely action and stands up to necessary scrutiny.

Integrity – the exercise of authority in accordance with the stated values and principles of the ACTPS and the control of fraud and corruption⁹. It is based on honesty and objectivity, high standards of propriety and probity in the stewardship of public funds and resources, and the management of the Commission's affairs. It is ultimately determined by the personal standards and professionalism of Commission employees.

Leadership and stewardship – the responsibility of senior management to act as leaders in modelling the governance behaviour they expect the organisation to follow. This includes the effective and efficient management of resources and maintaining the trust in the Commission by the Assembly and the community.

These principles are consistent with the values and principles reflected in the [ACTPS Code of Conduct](#).

⁸ Principles of Public Sector Governance, ANAO 2003

⁹ Definitions, ACTPS Integrity Policy

3.5 Components of Commission governance

The Commission governance framework encompasses the appropriate execution of authority, accountability, stewardship, leadership, direction and control, exercised by the management of the agency. It influences how the objectives of the Commission are set and achieved, how risk is monitored and assessed, and how performance is optimised. The Commission applies its governance arrangements to contribute to both improved performance and service delivery, while at the same time ensuring compliance with all legal requirements. It also adopts a philosophy and strategy of continuous improvement in governance performance¹⁰.

The Commission is committed to:

- ensuring the governance principles are reflected in its governance arrangements;
- effective leadership by providing executive and employees with clearly defined responsibilities;
- high performance through appropriate interaction and integration of governance functions;
- a decision making environment that considers risks and provides transparency and accountability; and
- supporting each employee to understand their personal accountabilities, in the context of their legislated responsibilities as a member of the ACTPS and, where applicable as a delegate of the Commission or the Electoral Commissioner.

At the ACT Government level, ethics and values are promoted through a variety of mechanisms:

- general requirements defined in the PSM Act that specify the standards of behaviour expected from public servants;
- specific requirements detailed in the ACTPS Code of Ethics Guide, which elaborate on section nine of the PSM Act and interpret its application;
- the ACTPS Code of Conduct, which articulates the values and signature behaviours expected of public service officers; and
- whole of government integrity, fraud prevention and procurement policies provide clear guidance on acceptable and lawful business practices.

The Commission expects the highest standards of ethical conduct in the public service. The Commission recognises that incorporating the ACTPS values into the behaviours and actions of employees at all levels will contribute to the efficient, effective and ethical delivery of services and functions. All new employees are made aware of the ACTPS Code of Ethics and ACTPS Code of Conduct.

¹⁰ Section 2.2.4 Australian Standard Good Governance Principles

4. Governance structure

4.1 ACT Public Service governance structure

The ACTPS is lead by the Head of Service, who is responsible for the ACTPS as a whole¹¹. Delegations made by the Head of Service are available on the [Chief Minister, Treasury and Economic Development Directorate \(CMTEDD\) website](#).

The Commissioner for Public Administration (the PA Commissioner), located in CMTEDD, is responsible for advising the Chief Minister on matters affecting the ACT Public Service¹². Information on the range of powers and functions held by the Commissioner is available on the [CMTEDD website](#).

The ACTPS Strategic Board is the key decision making body of the ACTPS, that aims to provide leadership, direction and across directorate coordination and communication. It is expected to drive ACTPS performance in delivering government priorities.

While the Electoral Commission members are officers of the Assembly and are therefore independent of government and not subject to ministerial direction, the Commission nonetheless subscribes to ACTPS-wide policies and guidelines related to ACTPS conduct and ethics.

The ACT Government governance structure is supported by whole of government policies and frameworks that assist to provide a robust, coordinated and consistent approach to governance across the ACTPS. Key whole of government documents that underpin the Commission's governance arrangements include the following:

- [ACTPS Integrity Policy](#)
- [ACTPS Code of Conduct](#)
- [ACTPS Code of Ethics Guide](#)
- [ACTPS Respect, Equity and Diversity Framework](#)
- [Whole of Government Risk Management Framework](#)
- [ACT Government Internal Audit Framework](#)
- [ACT Government Procurement Framework](#)
- [ACT Government Performance and Accountability Framework](#)
- [ACT Government Guide to the Performance Management Framework](#)
- [ACT Protective Security Policy and Guidelines](#)

Updates to whole of government frameworks and policies, and additional guidance that sit under these documents are available on the Shared Services Customer Portal [Policy Index](#).

¹¹ Section 23, Public Sector Management Act 1994

¹² Section 20, Public Sector Management Act 1994

4.2 Electoral Commission governance structure

The Commission is an independent statutory authority established under the Electoral Act 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.

The Commissioner is appointed on a full-time basis. The Chairperson and the Commission Member are appointed on a part-time basis.

From 1 July 2014 the members of the Commission became officers of the ACT Legislative Assembly, following amendments made to the Electoral Act by the *Officers of the Assembly Legislation Amendment Act 2013*.

The Commissioner is the chief executive officer of the Commission under section 11 of the Electoral Act. The Commissioner, as an officer of the Legislative Assembly with head of service and director-general powers, also has specific functions and responsibilities under the *Public Sector Management Act 1994* and the *Financial Management Act 1996*, among others.

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. As the chief executive officer of the Commission, 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, as well as registration of political parties and administering the election funding and financial disclosure scheme.

In August 2007 the Commission adopted governance guidelines that set out governance principles and practices that outline which Commission functions are reserved by the full Commission and which Commission functions have been delegated to the Commissioner. These guidelines are supported by a formal instrument under the Electoral Act delegating the Commission's powers to the Commissioner and the staff of the Commission acting under the Commissioner's direction. Updated versions of these guidelines and the delegation instrument are attached to this governance framework at Appendix B and Appendix C.

The Commissioner is assisted by staff employed under the Public Sector Management Act 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. Where staff perform functions delegated to them by the Commission they are subject to this Governance Framework and any written or oral directions of the Commissioner.

As at May 2015, the Commissioner was assisted by 7 permanent staff employed under the Public Sector Management Act. The number of staff employed to assist the Commissioner increases in an election year as the workload increases.

The Commissioner is supported by the Deputy Electoral Commissioner, an officer employed under the PSM Act at the SOG A level.

The Commissioner has delegated all the Commissioner's functions to the Deputy Electoral Commissioner in a standing delegation. This delegation is attached to this governance framework. The purpose of this delegation is to permit the Deputy Electoral Commissioner to undertake the functions of the Commissioner in circumstances where the Commissioner is unavailable and in circumstances where the Commissioner has agreed to delegate functions to the Deputy Electoral Commissioner in the case of normal workflow arrangements.

The Commissioner has also signed an instrument under section 12A of the Electoral Act that appoints the Deputy Electoral Commissioner to act as the Commissioner during any period when the Electoral Commissioner is absent on leave of absence approved in advance by the Speaker, for longer than 5 working days. A copy of this instrument is on the Legislation Register at: <http://www.legislation.act.gov.au/ni/2014-358/default.asp> .

The Deputy Electoral Commissioner carries a range of roles in the Commission office, including Senior Executive Responsible for Business Integrity Risk (SERBIR), Public Interest Disclosure contact officer, privacy officer and the political party registrar.

Other key staff members and contracted officers hold the following roles in the office of the Commission:

- Chief finance officer (off-site contractor);
- Finance manager;
- Elections operations manager;
- Funding and disclosure manager (also the first aid officer);
- Office manager (also the workplace health and safety representative and a fire warden);
- Education and information officers (2 officers, one of whom is a fire warden and the other is a RED (respect, equity and diversity) officer); and
- ICT developer (off-site contractor).

An organisation chart for the office of the Commissioner is at Appendix E.

In accordance with the ACT Government Internal Audit Framework (April 2007), the Commission considered the need for an internal audit committee, taking into consideration the organisation's small size, its relative lack of organisational complexity, its overall risk profile, its history of past issues and incidents, cost benefits and existence of alternative mechanisms and concluded that it is not practicable or cost effective to establish one.

The Commission intends to use targeted audit processes using contract auditors and/or assistance from other agencies to provide adequate assurance on compliance and the operation of internal controls. The Commission will establish an internal audit program in 2015-16 to give effect to this intent. This process will be overseen by the full Commission at a strategic level and implemented by the Electoral Commissioner with the assistance of the Deputy Electoral Commissioner, the Chief finance officer and the Finance manager.

Given the small size of the Commission and its staff, the Commission also does not consider it practicable or cost effective to establish a formal internal governance committee.

The 3-person Commission, assisted by the Deputy Electoral Commissioner, undertakes the role of a governance committee in the agency. The Commission meets routinely (at least quarterly), with a range of standing items including:

- Legislative Assembly committee inquiries and bills;
- Strategic issues, including ICT systems and election preparation and conduct;
- Budget update;
- Staffing;
- Risk management plan;
- Electoral financial disclosure, including compliance reviews; and
- Briefs to the Minister/Speaker/JACS Committee.

The Electoral Commissioner also participates in two international forums of electoral administrators: the Electoral Council of Australia and New Zealand (ECANZ) and the related State and Territory Electoral Commissioners forum (STEC). These forums meet 3-4 times per year to discuss electoral policy and operational matters of mutual interest.

Through ECANZ, Elections ACT is a member of the Australian Electoral Commission's Disability Advisory Committee. Elections ACT also participates in a range of ad-hoc committees established by ECANZ or STEC.

The Electoral Commissioner also facilitates two stakeholder committees in the lead-up to each Legislative Assembly election:

- The Elections ACT Electronic Election Systems Reference Group consists of representatives of political parties, MLAs and other interested groups. This Reference Group meets to discuss the implementation of electronic systems used at ACT elections, particularly electronic voting and counting.
- The Elections ACT ICT Steering Committee consists of the Electoral Commissioner, the Deputy Electoral Commissioner, the Elections ACT Elections Operations Manager and senior representatives of Shared Services ICT, the ACT's whole-of-government ICT providers. This group meets to discuss the management and implementation of the Elections ACT ICT systems at each Legislative Assembly election.

4.3 Roles and responsibilities

<i>Roles</i>	<i>Responsibilities</i>	<i>Positions</i>
The ACT Electoral Commission	<p>Executes responsibilities set out in the <i>Electoral Act 1992</i>.</p> <p>Sets strategic directions.</p> <p>Approves annual reports, special reports to the Legislative Assembly and reports to Legislative Assembly Committees.</p> <p>Approves significant budget submissions.</p> <p>Members of the Augmented Electoral Commission with responsibility for setting electoral boundaries.</p> <p>Performs the functions of the Commission's Governance Committee (with the Deputy Electoral Commissioner).</p>	<p>Chairperson</p> <p>Electoral Commissioner</p> <p>Commission Member</p>
Electoral Commissioner	<p>Executes responsibilities set out in the <i>Electoral Act 1992</i>.</p> <p>Executes responsibilities set out in the <i>Public Sector Management Act 1994</i>, the <i>Financial Management Act 1996</i> and other legislation.</p> <p>Advises and provides reports to the Commission.</p> <p>Chief executive officer of the office of the Electoral Commissioner.</p> <p>Leads and manages the office of the Commissioner.</p> <p>Member/chairperson of the Redistribution Committee with responsibility for proposing electoral boundaries.</p> <p>Provides advice to the ACT Legislative Assembly, the Minister, directorates and other bodies.</p> <p>Ensures Commission's performance and accountability requirements are met.</p>	<p>Electoral Commissioner</p>

<i>Roles</i>	<i>Responsibilities</i>	<i>Positions</i>
Deputy Electoral Commissioner	<p>Assists the Electoral Commissioner to lead and manage the office of the Electoral Commissioner.</p> <p>Carries the delegated powers of the Electoral Commissioner and acts as the Electoral Commissioner when the latter is on more than 5 days' leave.</p> <p>Registrar of political parties.</p> <p>Executive secretary of the Commission, the Redistribution Committee and the Augmented Electoral Commission.</p> <p>Senior Executive Responsible for Business Integrity Risk (SERBIR).</p> <p>Public Interest Disclosure (PID) officer.</p> <p>Privacy officer.</p> <p>Reports to the Electoral Commissioner on compliance of the Commission with the ACTPS Integrity Policy.</p> <p>Takes direct reports of allegations of potential fraud and corruption from staff.</p> <p>Maintains the risk register and the business continuity plan.</p>	Deputy Electoral Commissioner
Financial management team	<p>Reports directly to the Electoral Commissioner.</p> <p>Manages the financial stewardship of the Commission in accordance with the <i>Financial Management Act 1996</i>.</p> <p>Maintains the financial instructions for the Commission, and associated finance policy, procedures and delegations.</p> <p>Prepares financial information and reports for the Electoral Commissioner and the Commission.</p> <p>Engages contract auditors to carry out internal audit functions when required.</p>	Chief finance officer Finance manager

<i>Roles</i>	<i>Responsibilities</i>	<i>Positions</i>
Workplace health and safety officers	Provide health and safety services to the office of the Electoral Commissioner	Health and Safety Representative Fire warden First-aid officer Respect, Equity and Diversity (RED) officer
Elections ACT ICT Steering Committee	Provide strategic and operational advice to the Electoral Commissioner on Legislative Assembly election ICT matters	Electoral Commissioner Deputy Electoral Commissioner Election Operations Manager Shared Services ICT officers
Delegated authorities	Execute electoral, financial, human resource and other delegations within the parameters of authority determined by legislation. All staff other than the Commissioner exercise all delegations subject to any written or oral directions from the Commissioner.	Electoral Commissioner Deputy Electoral Commissioner Chief finance officer Finance manager Funding and disclosure manager Elections operations manager Office manager All staff with electoral duties

5. Governance arrangements

The key components of the Commission's governance arrangements are outlined below and encompass a number of elements that seek to support the establishment and maintenance of:

- sound decision making and execution;
- behaviours that reflect the ACTPS values¹³ and code of ethics¹⁴;
- a culture of performance and compliance; and
- appropriate organisational scrutiny.

The Commission implements these key components through maintaining:

- processes for the identification of governance issues;
- systems to maintain accurate and current policies, guidelines and procedures that support governance;
- processes for dealing with governance breaches and complaints; and
- effective record keeping and reporting¹⁵.

5.1 Delegated authorities

The Commission has the authority under section 33B of the Electoral Act to delegate its functions under the Electoral Act or any other Territory law to the Electoral Commissioner or an officer or member of the Commission's staff. The Commission has a standing delegation of its powers to the Electoral Commissioner and the staff and officers employed to assist the Commissioner – see Appendix C.

Staff and officers other than the Commissioner may only undertake delegated powers of the Commission subject to the direction of the Commissioner and accountable to the Commissioner. Commission powers delegated to staff members include in particular duties related to conducting education and information campaigns, providing information and advice to clients, conducting and promoting research, publishing material, conducting fee-for-service elections and conducting prescribed ballots.

The Electoral Commissioner has the authority under section 33C of the Electoral Act to delegate electoral, human resource, financial and any other functions to specific positions in the Commission. Officers to whom the Electoral Commissioner has delegated powers or authority are accountable to the Electoral Commissioner. The Commissioner has issued a standing delegation of the Commissioner's powers to the Deputy Electoral Commissioner – see Appendix D.

¹³ Section 6, *Public Sector Management Act 1994*

¹⁴ Section 9, *Public Sector Management Act 1994*

¹⁵ Section 2.3 Australian Standard Good Governance Principles

Unless otherwise specified in legislation, delegated officers cannot sub-delegate their powers or functions to other positions.

Delegations permit specific positions to fully discharge their responsibilities, for example, to approve specific expenditure. Delegated officers must ensure they only make a decision or act within the limitations that the legislation, the Commissioner's financial instructions, policy and/or procedure authorise to them. Human resource delegations and financial delegations for the Commission are available on the G: drive. Key decisions are documented by the signing and dating of the relevant instrument, brief, correspondence, policy or other document. These documents are maintained in accordance with records management procedures.

The Commissioner has approved a range of documents that constitute directions to officers carrying out delegated duties. These include:

- The Commission's operational procedures;
- The Commissioner's chief executive financial instructions;
- Human resource delegation instruments; and
- Polling official procedures manuals.

5.2 Financial management

The Electoral Commissioner holds primary accountability for the efficient and effective financial management and operations of the Commission, within approved budget and financial targets, and in accordance with the *Financial Management Act 1996*. The Commissioner's chief executive financial instructions identify for each member of staff what is required of them in achieving the efficient and effective use of the agencies resources. The financial delegation schedule outlines the responsibilities and limitations assigned to specific positions within the Commission in relation to making financial decisions.

The Commission complies with the *Government Procurement Act 2001* when procuring goods and services on behalf of the ACT. Further information on the purchasing guidelines and The Capital Framework, a process applied for procurement of infrastructure and capital projects, is available on the [Shared Services Procurement Intranet](#).

The Commission oversees the financial management of the Commissioner, with the assistance of contract audit services from time to time.

5.3 Workplace health and safety

The Commission values the health, safety and wellbeing of its staff and is committed to ensuring a positive health and safety culture across its workplaces. The Commission's commitment reflects its obligations under legislation and the principles and processes under various frameworks, including the:

- *Workplace Health and Safety Act 2011*
- ACTPS Code of Conduct
- [ACTPS Workplace Health and Safety Policy Statement](#)
- ACTPS Workers' Compensation and Work Safety Improvement Program

- ACTPS Respect, Equity and Diversity (RED) Framework
- Administrative and Related Enterprise Agreement that covers Commission staff.

The Electoral Commissioner oversees the implementation of workplace health and safety strategies that support compliance with legislation and the frameworks outlined above. A Health and Safety Representative (HSR) is appointed to represent Commission staff. Workplace health and safety is a standing item on the agenda of the weekly Elections ACT staff meetings.

5.4 Risk management, security and business continuity

Risk assessment and management is an integral part of the Commission's governance processes and systems. It underpins each of the components of the Commission's governance mechanisms including strategic and operational planning, business improvement initiatives, decision-making, review and compliance processes.

In accordance with the ACT Government Risk Management Policy and Framework, the Commission has a Risk Register in place to ensure there are processes for identifying risks, assessing opportunities to improve performance and ensure appropriate actions are taken to avoid or reduce the chance of loss. The Commission Risk Register is reviewed quarterly by the Commission in accordance with the AS/NZS ISO 31000:2009 risk management standard.

In accordance with the ACT Protective Security Policy and Guideline the Commission is required to have an Agency Security Advisor (ASA) and Agency Security Plan. In anticipation of developing its own security plan, the Commission has adopted the JACS security plan as an interim measure and will in due course determine an appropriate officer to appoint as the ASA.

The Commission also maintains a Business Continuity Plan (BCP), which is reviewed annually by the Commissioner. The BCP sets out arrangements in place that enable the Commission to respond to a business interruption event and supports the continuity of critical business functions.

5.5 Fraud and corruption prevention

The Commission has a Fraud and Corruption Prevention Plan, which articulates the control measures in place to prevent fraud and corruption occurring within the Commission, and ensures it is appropriately managed when it is reported. The Fraud and Corruption Prevention Plan is a requirement of the Public Sector Management Standards 2006¹⁶ and is prepared according to ACT Government Guidelines and Australian Standard 8001.

In accordance with the ACTPS Integrity Policy the Commission has a Senior Executive Responsible for Business Integrity Risk (SERBIR). This role is allocated to the Deputy Electoral Commissioner. The SERBIR is responsible for reporting to the Electoral Commissioner on the overall compliance of the Commission with the ACTPS Integrity Policy. The position has responsibility for taking direct reports of allegations of potential fraud and corruption from staff. The SERBIR also has responsibility for dealing with reports under the Public Interest Disclosure (PID) process. The Elections ACT website will include information on how to make a Public Interest Disclosure to the SERBIR.

¹⁶ Section 15 (3) Public Sector Management Standards 2006

5.6 Internal audit

In accordance with the ACT Government Internal Audit Framework (April 2007), the Commission considered the need for an internal audit committee taking into consideration the organisation's small size, its relative lack of organisational complexity, its overall risk profile, its history of past issues and incidents, cost benefits and existence of alternative mechanisms. The Commission concluded that it is not practicable or cost effective to establish an internal audit committee.

The Commission intends to use targeted audit processes using contract auditors and/or assistance from other agencies to provide adequate assurance on compliance and the operation of internal controls. The Commission will establish an internal audit program in 2015-16 to give effect to this intent. This process will be overseen by the full Commission at a strategic level and implemented by the Electoral Commissioner with the assistance of the Deputy Electoral Commissioner, the Chief Finance Officer and the Finance Manager.

5.7 Policy control and compliance

The Commission has a range of corporate frameworks, policies, guidelines and procedures in place to ensure compliance with legislation and government policies. The Electoral Commissioner and the Deputy Electoral Commissioner have responsibility for maintaining corporate policy, guidelines and procedures.

5.8 Organisational planning and performance management

Within the Commission, planning takes place at various levels to achieve a balance of strategic and operational focus. The Commission determines its strategic direction and priorities, consistent with the [ACT Government Performance and Accountability Framework](#). Medium term planning occurs in accordance with the [ACT Government Strategic Service Planning Framework](#), to inform future resource allocation consistent with the government's strategic direction.

The Commission implements the [ACT Government Evaluation Policy and Guidelines](#) through evaluating policies, programs and projects where appropriate to inform an assessment of performance and effective decision-making. A Commission Evaluation Plan, reviewed annually, outlines strategies to progress evaluation maturity across the Commission and includes a four-year schedule for conducting evaluations.

At the individual level, the Commission is committed to providing regular performance feedback to staff, which identifies staff development needs aligned with business objectives, in accordance with the [ACTPS Performance Framework](#). The Electoral Commissioner is responsible for ensuring that each staff member within the Commission has a Performance Management Plan in place that is linked to the achievement of agency objectives and is regularly reviewed and evaluated¹⁷.

¹⁷ Section 559 Public Sector Management Standards 2006

5.9 Accountability reporting

The [Annual Reports \(Government Agencies\) Act 2004](#) sets the framework for annual reporting across the ACT public sector. The Commission is required to include annual financial statements and a statement of performance in its annual reports¹⁸, audited by the Auditor-General (noting that the Commission is not required to include or report on performance indicators in the budget papers).

From time to time performance audits on various aspects of the Commission's service delivery may be undertaken by the Auditor-General.

The Legislative Assembly Committee process plays an important role in scrutinising the performance of the Commission as reflected in the annual report, audited financial statements and any other performance audit reports.

Internal accountability reporting is undertaken through the governance structure and existing reporting lines.

5.10 Stakeholder relationships

The Commission recognises that stakeholders, both internal and external, have a significant interest in the services provided by the Commission. The Commission is committed to building strong, ongoing relationships with these people, groups and organisations.

Programs and policies are in place to ensure that the high quality and integrity of communications with stakeholders is maintained. There are formal processes that guide how information and advice is provided to the Legislative Assembly, Ministers, Directorates and other groups or organisations. Communication with the media is managed by the Electoral Commissioner and the Deputy Electoral Commissioner and undertaken in accordance with the Commission media procedures.

Information and advice is provided to the community through a variety of mechanisms including the Commission website and social media tools, in accordance with the [ACT Government Social Media Guidelines](#) and the Elections ACT Social Media Policy. Formal community engagement activities are undertaken on specific projects or initiatives to inform service delivery options, applying the [ACT Government Guide to Community Engagement](#).

The Electoral Commissioner participates in two international forums of electoral administrators: the Electoral Council of Australia and New Zealand (ECANZ) and the related State and Territory Electoral Commissioners forum (STEC). These forums meet 3-4 times per year to discuss electoral policy and operational matters of mutual interest.

Through ECANZ, Elections ACT is a member of the Australian Electoral Commission's Disability Advisory Committee. Elections ACT also participates in a range of ad-hoc committees established by ECANZ or STEC.

The Electoral Commissioner also facilitates two stakeholder committees in the lead-up to each Legislative Assembly election:

¹⁸ Section 30 Financial Management Act 1996

- The Elections ACT Electronic Election Systems Reference Group consists of representatives of political parties, MLAs and other interested groups. This Reference Group meets to discuss the implementation of electronic systems used at ACT elections, particularly electronic voting and counting.
- The Elections ACT ICT Steering Committee consists of the Electoral Commissioner, the Deputy Electoral Commissioner, the Elections ACT Elections Operations Manager and senior representatives of Shared Services ICT, the ACT's whole-of-government ICT providers. This group meets to discuss the management and implementation of the Elections ACT ICT systems at each Legislative Assembly election.

5.11 Records and information management

Good governance requires that accurate records are maintained of decisions and the reasons why they were taken. The Commission strives to maintain records which meet operational business needs, accountability requirements and community expectations. Accurate and compliant record keeping occurs in accordance with the following:

- *Territory and Records Management Act 2002;*
- *Freedom of Information Act 1989;* and
- *Information Privacy Act 2014.*

Elections ACT has a Records Management Policy and a Records Disposal Schedule as required by the Territory Records Act.

The Territory Records Office provides information on the [Shared Services Records Management Intranet](#) on the obligations of staff to appropriately maintain, store and dispose of records. TIGER is currently the Commission's electronic record keeping database system, combined with a paper-based filing system. This system is (from June 2015) to be replaced by a new electronic record keeping system combining paper records with electronic records.

The Commission uses the Whole of Government Information and Communication Technology (ICT) policies, standards and guidelines, available on the [Shared Services ICT Intranet](#). While the Commission is tied to Shared Services ICT for the management of its ICT systems, the Commission retains ownership of the business systems and therefore has responsibility for strategic management and any decisions regarding business applications and proposals.

Appendix A – Related documents and contacts

Public Sector Management Act 1994, the Public Sector Management Standards 2006 and *Financial Management Act 1996* is available on the ACT Legislation Register website at <http://www.legislation.act.gov.au/a/default.asp>

ACT Public Service Code of Conduct is available on the Chief Minister, Treasury and Economic Development Directorate website at <http://www.cmd.act.gov.au/governance/public/publications#ethi>

ACT Government Performance and Accountability Framework and related policies are available on the Chief Minister, Treasury and Economic Development Directorate website at <http://www.cmd.act.gov.au/policystrategic/accountability>

ACT Government Risk Management Framework is available on the Commerce and Works Directorate website at <http://www.treasury.act.gov.au/actia/RM.htm>

Records Management information is available on the Shared Services Territory Records Office Intranet at <http://sharedservices/territoryrecords/>

Work Safety information is available on the Chief Minister, Treasury and Economic Development Directorate website at <http://www.cmd.act.gov.au/governance/public/publications#worksafe>

Appendix B – ACT Electoral Commission governance guidelines

The ACT Electoral Commission adopts the following governance principles and practices in relation to its functions set out in the *Electoral Act 1992* and all other legislation conferring functions on the Commission:

The Commission will discharge its responsibilities under the *Electoral Act 1992* and set strategic directions for the implementation of its functions by Elections ACT (the Commissioner and the staff appointed to assist the Commissioner).

As chief executive officer of the Commission, the Commissioner is responsible for the conduct of Elections ACT's operations, the direction and management of Elections ACT's staff, finances and other resources, and the exercise of any delegations made by the Commission, subject to these governance guidelines.

The Commission notes that the Commissioner also exercises functions in the Commissioner's own right under the Electoral Act, the *Public Sector Management Act 1994* and other legislation.

The Commissioner will be the public spokesperson for the Commission and has the authority to represent the Commission at public forums, including Legislative Assembly committees.

The Commission will meet every 3 months unless otherwise agreed to decide strategic directions for the Commission, monitor Elections ACT's performance and to give approval to proposals where required.

The Commission will approve the Commission's Annual Report and any special reports to the Legislative Assembly under section 10A of the Electoral Act.

The Commission will approve all written submissions to parliamentary inquiries, other than straightforward factual submissions.

The Commission will approve any significant submission by the Commissioner in relation to alterations to the Commission's budget.

The Commissioner will seek the approval of the other Commission members on any recommendations for significant changes to the electoral legislation before making any such recommendations to the Minister.

The Commissioner will advise the other Commission members on significant briefings provided to the Minister and any other matters deemed by the Commissioner to be significant.

At each regular Commission meeting the Commissioner will table copies of all advice provided to the Minister since the previous regular meeting.

Definitions

In these guidelines:

Commission means the three Members of the ACT Electoral Commission established under section 5 of the Electoral Act, acting in agreement (including persons acting as Members of the Commission). In exceptional circumstances, two Members of the Commission may exercise the powers of the Commission. Formal proceedings of the Commission are subject to division 2.3 of the Electoral Act. Any vacancy in the membership of the Commission shall not prevent the remaining Commission Member or Members from taking action.

Commissioner means the Electoral Commissioner appointed under section 22 of the Electoral Act (including a person acting as Electoral Commissioner).

Elections ACT means the Commissioner and the staff appointed to assist the Commissioner under division 3.2 of the Electoral Act.

Electoral Act means the *Electoral Act 1992* of the Australian Capital Territory.

Roger Beale

Phillip Green

Dawn Casey

Chairperson

Electoral Commissioner

Member

11 August 2015

Appendix C – ACT Electoral Commission delegation instrument

Australian Capital Territory

Electoral (Delegation of Electoral Commission functions to the Electoral Commissioner) Delegation 2015 (No 1)

Delegation No 1 of 2015

made under the

Electoral Act 1992, s 33B (Delegation by electoral commission)

1 Name of instrument

This instrument is the *Electoral (Delegation of Electoral Commission functions to the Electoral Commissioner) Delegation 2015 (No 1)*.

2 Commencement

This instrument commences on 11 August 2015.

3 Revocation

This instrument revokes Delegation No 1 of 2007.

4 Delegation

The ACT Electoral Commission delegates the Commission's functions under the *Electoral Act 1992* and all other Territory laws to:

- The Electoral Commissioner; and
- Officers or members of the Commission's staff working under the Electoral Commissioner's direction.

Note: staff may only exercise this delegation subject to the ACT Electoral Commission Governance Framework and any written or oral directions of the Electoral Commissioner.

However, this instrument does not delegate the Commission's functions under part 4 (Electorates) or part 15 (Notification and Review of Decisions) of the *Electoral Act* to the Electoral Commissioner or an officer or a member of the Commission's staff.

Roger Beale
Chairperson

Phillip Green
Electoral Commissioner

Dawn Casey
Member

11 August 2015

Appendix D –Electoral Commissioner delegation instrument

Australian Capital Territory

Electoral (Delegation of Electoral Commissioner’s functions to the Deputy Electoral Commissioner) Delegation 2008

Delegation No 1 of 2008

made under the

Electoral Act 1992, s 24 (Delegation by commissioner)

The Electoral Commissioner delegates the Commissioner’s functions under the Electoral Act and all other Territory laws to the person occupying the position designated as the Deputy Electoral Commissioner, being a staff member assisting the Commissioner employed under the *Public Sector Management Act 1994* in accordance with section 31(1) of the Electoral Act.

However, this instrument does not delegate the Commissioner’s functions under part 4 (Electoral Districts) of the Electoral Act to the Deputy Electoral Commissioner.

Phillip Green
Electoral Commissioner

23 May 2008

Appendix E – Organisational chart

[to be inserted into PDF version]