

**AEC**

Australian Electoral Commission

Electoral Commissioner

Our Ref: 13/997

The Hon Mr Tony Smith MP
Chair
Joint Standing Committee on Electoral Matters
PO Box 6021
PARLIAMENT HOUSE ACT 2600

Dear Mr Smith

Inquiry into the 2013 federal election - public hearing of 6 February 2014

This submission provides the Australian Electoral Commission's response to a request that it address the issues raised by the Australian National Audit Office (ANAO) in its verbal evidence to the Joint Standing Committee on Electoral Matters (JSCEM) public hearing on 6 February 2014.

Immediately prior to the AEC's appearance at this same hearing, the JSCEM took evidence from officers of the ANAO, including the Auditor-General. The ANAO undertook a performance audit of the AEC's preparation for and management of the 2007 general election. In April 2010 the ANAO tabled its report, *ANAO Audit Report No. 28 - 2009-10 Performance Audit of The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election, 21 April 2010* (the ANAO Audit Report No. 28), which contained nine recommendations.

The AEC undertook to provide information in relation to: what has been done to implement the recommendations of the ANAO Audit Report No. 28 (Mr Griffin at page 18 of the transcript; Senator Kroger at page 22 of the transcript; Mr Griffin at page 22 of the transcript); how these recommendations "fit in" with the recommendations made by the report of Mr Mick Keelty AO, *Inquiry into the 2013 WA Senate Election* (the Keelty Report) (Mr Griffin at page 18 of the transcript); ANAO evidence (Senator Rhiannon at page 26 of the transcript); and the audit register relating to the 2010 ANAO Report (Mr Goodenough at pages 26 and 35 of the transcript). An extensive response to these matters is provided at **Attachment A**.

I would like to acknowledge that the issues arising in the 2013 WA Senate Election were serious, and plainly indicated that certain AEC processes were inadequate. Given that outcome, and the gaps in procedure uncovered during the 2013 event, the AEC would have preferred, with the benefit of hindsight, to have focussed on the recommendations in the ANAO Audit Report No. 28 in a different way,

including adopting a more full agency response to recommendation 8(b). At the time, however, the AEC delivered its consideration and response to the recommendations in the context of the operating environment at that time, as outlined in the attachment.

At page 27 of the transcript from the public hearing on 6 February 2014, Mr Griffin also requested information concerning the level of new staff performing in Officer-In-Charge roles or more senior roles. At page 27 and 28 of the transcript, Senator Ruston requested information concerning the number of staff, by role, and by day, who were employed very close to the election. This information is provided from Section 6.5 of **Attachment A**. The AEC also provided information in relation to experience of temporary staff in its submission dated 4 April 2014.

Yours sincerely

Tom Rogers
Acting Electoral Commissioner

7 May 2014

ATTACHMENT A

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1 Introduction

- 1.1. The Joint Standing Committee on Electoral Matters (JSCEM) asked the Australian Electoral Commission (AEC) to address the issues raised by the Australian National Audit Office (ANAO) in its evidence to JSCEM on 6 February 2014.
- 1.2. This document addresses a number of issues raised by JSCEM related to the ANAO's appearance including:
 - 1.2.1. A response to the following issues raised by the ANAO:
 - a) Leadership and tight governance around the processes to build a stronger culture and to build stronger processes (Section 4.1);
 - b) Training of AEC's ongoing and temporary workforce (Section 4.2);
 - c) Reporting and timeliness of AEC implementation of ANAO Audit Report recommendations (Section 4.3);
 - d) Commonalities between the *ANAO Audit Report No. 28 - 2009–10 Performance Audit of The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election, 21 April 2010* (ANAO Audit Report No. 28) and the *Inquiry into the 2013 WA Senate Election* (the Keelty Report) (Section 4.4);
 - e) Apparent reluctance to recommend technical change to JSCEM (Section 4.5);
 - f) ANAO's "gold standard" characteristics of an Audit Committee (Section 4.6); and
 - g) Tendency for the AEC to promote from within rather than from outside (Section 4.7).
 - 1.2.2. Implementation of recommendations to the ANAO Audit Report No. 28 (Sections 5 and 6).

2 Background

- 2.1. The AEC's operating environment is highly dynamic and subject to many external variables including, but not limited to, the size of the electorate and changes to operating procedures pursuant to:
- Government policy;
 - Legislative amendments;
 - Regulatory amendments;
 - Audit reports;
 - Technological developments; and
 - Community expectations.
- 2.2. Within this dynamic operating environment, the AEC endeavours to meet or exceed the community's expectations and avail itself of technological advancements where feasible and possible.
- 2.3. These external environmental factors must be considered when attempting to draw parallels between the processes, administration and events applicable to conduct of the 2007 Federal Election that were the subject of the ANAO Audit Report No. 28 and the processes, administration and events that applied in the lead-up to, and at, the 2013 Federal Election.
- 2.4. The issues arising in the 2013 WA Senate Election were serious, and plainly indicated that certain AEC processes were inadequate. Given that outcome, and the gaps in procedure uncovered during the 2013 event, the AEC would have preferred, with the benefit of hindsight, to have focussed on the ANAO Audit Report No. 28 in a different way, including adopting a more full agency response to recommendation 8(b). At the time, however, the AEC delivered its consideration and response to the recommendations in the context of the operating environment at that time, as outlined in this document
- 2.5. In addition to the operating environment, the AEC has been subjected to a high level of Parliamentary scrutiny since the 2007 Federal Election which was the subject of the ANAO Report No. 28. In addition to the regular external scrutiny processes such as Senate Estimates, the AEC has been involved in 18 Parliamentary Committee inquiries, and impacted by 17 separate pieces of legislation, one High Court decision¹ and two Court of Disputed Returns decisions, with the 2008 Court of Disputed Returns decision in McEwen leading to substantial process change.
- 2.6. **The significant, cumulative and practical effect of these changes in the operating environment in a requirement for the AEC to constantly revise policies, procedures, forms, systems and training.** In order to maintain a

¹ The table at Appendix A provides an indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions that have affected AEC operating procedures.

state of constant election readiness while anticipating the passage of legislation or other changes to operating procedures, the AEC may be required to maintain numerous parallel sets of policies, procedures, forms, systems and training. This was particularly the case prior to the 2010 federal election, when substantial legislative change was passed by the Parliament in June 2010 and came into effect in July, some on the same day as the issue of the writs.

3 Conclusion

- 3.1. A general Federal Election is, in reality, an aggregation of many individual activities. These various activities are undertaken by almost 80,000 temporary employees across approximately 8,000 polling venues to assist over 14.7 million electors cast their vote. Such an undertaking is not without risk, particularly where processes are inherently subject to human fallibility.
- 3.2. The ANAO acknowledged that “there is no such thing as a guaranteed outcome” when considering risk mitigation strategies and Mr Keelty, in his report, cautions that the context of the report must be considered, “through the prism of hindsight” and with an awareness of the extraordinary and unique risks associated with any electoral event. Mr Keelty also noted that “it is important to maintain a sense of proportion.... it is important to remember that most election processes occur successfully.”
- 3.3. The AEC would like to highlight that the ANAO Audit Report No. 28 relates to the conduct of the 2007 Federal Election and that since that time there have been many significant changes to legislation, electoral policies and electoral processes impacting on election delivery.
- 3.4. ANAO representatives are invited to every meeting of the AEC’s audit committee, the Business Assurance Committee (BAC).
- 3.5. Papers detailing the status and progress of implementation of the ANAO Audit Report No. 28 recommendations have been presented to BAC meetings on a regular basis
- 3.6. It should be noted that a management decision to finalise the implementation of audit recommendations does not necessarily mean that implementation has been completed in accordance with the initial implementation strategy. The management of implementation requires a balance of competing priorities and risk management. There can be a risk in implementing recommendations exactly as made where those recommendations relate strictly to a point in time, particularly within the context of a highly dynamic operating environment. The AEC has implemented recommendations with due regard for contemporaneous operating environments.
- 3.7. BAC received reports on implementation of the ANAO Audit Report No. 28 recommendations until they were signed off as completed in March 2012. Senior management initiated a stocktake exercise in September 2012 that included the implementation of the ANAO Audit Report No. 28 recommendations. This stocktake was finalised in May 2013, at the end of which management concluded that they were satisfied the intention of the ANAO recommendations had been satisfactorily addressed, given the prevailing environment and the perceived risks raised.

- 3.8. This document provides detailed information on the activities undertaken² to address all nine of the ANAO Audit Report No. 28 recommendations at Section 6. The “Overall Conclusion” of ANAO Audit Report No. 28 was that:

The most significant long-term issue facing the AEC remains the state of the electoral roll ... Improving the enrolment rate is one of the greatest challenges facing the AEC. Accordingly, four of the nine audit recommendations are suggestions for improving the accuracy and completeness of the electoral roll.

- 3.9. In recognition of this finding, and in response to the priority accorded by the previous Government and the ANAO to matters relating to the electoral roll, significant AEC resources were dedicated to electoral roll improvement activities, both operational and administrative, as well as implementation of ANAO recommendations related to election workforce planning and selection, recruitment, training and retention of election officials.
- 3.10. At the recent JSCEM hearing, the ANAO focused on matters relevant to Recommendation 8(b) of ANAO Audit Report No. 28. At the time of the ANAO Audit Report No. 28, the AEC’s perspective was that recommendation 8(b) was, in itself, narrowly cast and was limited to the movement of the ballot papers from polling places to the care and control of the Divisional Returning Officer (DRO) at a counting centre. The AEC’s perception (at that time) of the context, and the focus of the ANAO report on the roll, were some of the factors that guided the AEC’s development of implementation strategies and agency focus in operationalising recommendation 8(b).
- 3.11. While the ANAO Audit Report No. 28 is silent on governance and leadership matters, the AEC has since enhanced its governance structure to achieve the “gold standard” characteristics of an Audit Committee³ identified by the ANAO, and significantly enhanced its risk management framework and business continuity planning.
- 3.12. In augmenting the enhanced governance structure, the AEC leadership has invested significant effort since the 2007 Federal Election in setting the AEC vision and outlining and communicating expectations in relation to delivering quality outcomes and maintaining a positive culture. These have included the development of the AEC Strategic Plan 2009-2014, the key themes of which are modernisation, collaboration and investing in our people, and regular columns from the Commissioner⁴ featured on the AEC intranet and the summation of priority actions from the 2010 Federal Election evaluation process, in a document titled Towards the Next Election: Priorities for Action

² Supported by the BAC ANAO Register of the Review of Implementation of Audit Recommendations at Appendix B.

³ At Paragraph 4.7 and Appendix C: AEC Business Assurance Committee alignment with ANAO Better Practice Guide Public Sector Audit Committees.

⁴ Appendix E: Examples of Commissioner’s Columns.

(TNE)⁵. A number of priority actions in TNE covered issues raised in the ANAO Audit Report No. 28 concentrating on the needs of the workforce, including refreshed training, new support programs and election simulation activities and maintaining a relationship with polling officials between events.

- 3.13. As noted at Section 2.4 of this document, the AEC, with the benefit of hindsight, would have preferred to adopt a different approach to the implementation of the ANAO Audit Report No. 28. At the time, however, the AEC felt that its response was appropriate.
- 3.14. The AEC notes that there is still work to be done to address realised risks and is progressing implementation of the Keelty Report recommendations and reviewing its risk profile as matter of the highest priority. The continuation of the AEC's focus on these measures, and on the recommendations arising from the ANAO's proposed audit report, *The Australian Electoral Commission's (AEC's) storage and transport of ballot papers at the 2013 September Federal General Election*, are seen as positive and necessary steps in strengthening Australia's electoral processes.

⁵ Appendix F: *Towards the Next Election: Priorities for Action*.

4 Issues Raised by the ANAO on 6 February 2014

4.1. Leadership and tight governance around the processes to build a stronger culture and to build stronger processes⁶.

- 4.1.1. The discussion of “culture” indicated a perception that there is a poor culture in the AEC in relation to addressing externally identified issues and that this was a significant failing of the AEC leadership group. The AEC sought further information from the ANAO in regard to their evidence provided to the JSCEM. ANAO advised the AEC that it “...was informed both by our general experience of public administration (in relation to matters such as organisational leadership and culture) as well as the work undertaken to inform Audit Report No. 28 2009-10.” A review of BAC minutes since 2007 has not identified any ANAO commentary on cultural issues.
- 4.1.2. Since the 2007 Federal Election, the AEC leadership group, and particularly the Electoral Commissioner have introduced a range of initiatives to set the tone by regular messaging to staff on key and current issues. Particular examples of this include:
- a) The AEC Strategic Plan 2009 – 2014, the key themes of which are modernisation, collaboration and investing in our people⁷. Values of the AEC set out in this document include maintaining high standards of integrity and ethical behaviour, respecting and upholding the law and being open, transparent and accountable. The AEC’s National Business Planning process requires all business areas to align their yearly work plans against the three key strategic themes.
 - b) The regular Commissioner’s Column⁸ featured on the AEC intranet and attendance of senior AEC staff at staff meetings and conferences across the country whenever possible to reinforce key messages.
 - c) The Commissioner’s release of a document, following the 2010 Federal Election evaluation process, titled *Towards the Next Election: Priorities for Action* (TNE)⁹. The TNE document contained 11 priority action items aimed at maintaining service delivery levels for electors and improving the working environment for AEC staff at the next federal election. A number of the priority

⁶ Proof Committee Hansard, JSCEM, *Conduct of the 2013 federal election and matters related thereto*, 6 February 2014, page 3.

⁷ Appendix D: *AEC Strategic Plan 2009-2014*.

⁸ Appendix E: *Examples of Commissioner’s Columns*.

⁹ Appendix F: *Towards the Next Election: Priorities for Action*.

actions covered issues raised in the ANAO Audit Report No. 28 such as concentrating on the needs of the workforce, including refreshed training, new support programs and election simulation activities and maintaining a relationship with polling officials between events. Additionally it addressed lessons learnt during the 2010 Federal Election such as implementing changes and actions in relation to the AEC's election-related IT systems as recommended by a range of working parties and implementing changes arising from the report into the ballot box irregularities in Boothby and Flynn. Progress against the priority actions was monitored at Executive Management Group meetings in the lead-up to the 2013 Federal Election. A post 2013 Federal Election version of TNE is currently in preparation.

4.2. Training of AEC's ongoing and temporary workforce¹⁰.

4.2.1. The significant improvements that have been made to the training of temporary staff are covered in detail at Section 6.6. In relation to ongoing staff, since 2007 the operational training process has been completely redeveloped. Election training for operational staff is now made up of three tiers:

- a) Tier 1 - course theory, assessment and systems training covering the entire election timeline, is delivered as self-paced learning via an online Learning Management System
- b) Tier 2 - face-to-face training to build on self-paced learning. Sessions provide interactivity and practical activities in areas of complexity or importance, is delivered locally and may be adapted to suit the particular audience and cover local requirements.
- c) Tier 3 - includes other opportunities based on individual needs such as on-the-job training, workplace assessments or assisting in other elections.

4.2.2. Additionally, during 2012 and 2013, AEC NSW staff developed and piloted an intensive two week Election Ready Operational Capacity Development Program. This is a scenario-based election simulation exercise providing participants with the opportunity to role-play actual election activities, such as concurrent ballot paper scrutinies and packaging of materials, in a "real-time" but "safe" environment. Feedback from staff who attended the program was that it was extremely valuable in giving them a practical "live" election experience and highlighting areas for further follow-up and planning. All Divisional

¹⁰ Proof Committee Hansard, JSCem, *Conduct of the 2013 federal election and matters related thereto*, 6 February 2014 page 6.

Returning Officers from NSW and the NT, and some from QLD and TAS completed this training.

4.3. Reporting and timeliness of AEC implementation of ANAO Audit Report No. 28 recommendations¹¹.

- 4.3.1. The AEC's implementation of the ANAO Audit Report No. 28 recommendations is outlined in detail at Section 6. The *Business Assurance Committee (BAC) ANAO Register of the Review of Implementation of Audit Recommendations* at Appendix B covers the progress and nature of implementation of the ANAO Audit Report Recommendations.
- 4.3.2. The implementation of recommendations has been reported through the ANAO Audit Implementation Register to every Business Assurance Committee (the AEC's audit committee) since April 2010 until all recommendations were signed off as finalised. As noted at Section 3.5 of this document, a management decision to finalise/sign-off on the implementation of audit recommendations does not necessarily mean that implementation has been completed in accordance with the initial implementation strategy, as the operating environment is constantly changing. Implementation is always a balance of competing priorities and risk management and with an appreciation of the existing operating environment.
- 4.3.3. BAC currently reports all outstanding recommendations approaching two years to the Executive for review as to whether completion will be achieved, whether the recommendation is no longer relevant or if resourcing priorities mean the risk of non-implementation will need to be absorbed by management.
- 4.3.4. In addition to regular monitoring, in September 2012 management initiated a stock-take review of closed audit recommendations from 43 audits since 2003-04. Reporting to the BAC on 3 June 2013 indicated that all of the ANAO Audit Report No. 28 recommendations had been implemented to management's satisfaction.
- 4.3.5. Since early 2007 there have been 30 BAC meetings. As noted at 3.4, ANAO representatives attend BAC meetings. Implementation of the ANAO Audit Report No. 28 recommendations was discussed at length at numerous meetings, with circulation of agenda papers and materials, such as the ANAO Audit Report Register (reproduced at Appendix B), relating to the progress and nature of implementation.

¹¹ Ibid. page 3.

4.4. Commonalities between ANAO Audit Report No. 28 and the Keelty Report¹².

- 4.4.1. It is difficult to draw similarities between the two reports as they cover quite distinct issues. There is a danger in seeking to draw parallel conclusions regarding different events, under different circumstances, at different points in time. The passage of time, changes to processes and administration that have occurred between 2007 and 2013, and the significant variance in emphasis between the ANAO Audit Report No. 28 and the Keelty Report, demonstrate the distinction between the two issues.
- 4.4.2. Recommendations in the ANAO Audit Report No. 28 related to a number of issues, including the integrity of the electoral roll and mitigation of risk through workforce planning, recruitment and training.
- 4.4.3. As noted in Section 3.9 of this document, the AEC's perspective at the time of the report was that recommendation 8(b) was general in nature, with the context limited to the movement of the ballot papers from the polling places to the care and control of the DRO at a counting centre rather than as a general reference to ballot paper security. The AEC's perception (at that time) of the context, and the focus of the ANAO report on the roll, were some of the factors that guided the AEC's development of implementation strategies and agency focus in operationalising recommendations of ANAO Audit Report No. 28.
- 4.4.4. The recommendations of the Keelty Report related to processes, procedures and compliance, and the management of processes relating to logistics and materials, contracts, and ballot paper security throughout the polling, scrutiny and post-scrutiny processes.
- 4.4.5. While drawing this distinction between the two reports, it is not entirely unexpected that similar issues were identified in the two reports as both reports seek to identify risks to the organisation. The risk posed to election outcomes and the AEC's reputation by the mishandling of ballot papers is an obvious one, which had been identified internally by the AEC and in external assessments of the risk profile of the organisation.
- 4.4.6. The AEC has directed significant attention to the management of risk since 2007 and has made substantial progress in managing organisational risk by continual enhancement of its audit committee (BAC) in accordance with the *ANAO Better Practice Guide Public Sector Audit Committees* (discussed in detail at Appendix C). Mitigation of risk does not guarantee that risks will not be realised. The

¹² Ibid.

question is whether, within the context of the prevailing operating environment, the AEC has implemented control measures that are appropriate to mitigate risk.

- 4.4.7. As discussed at Section 6.8 below, the AEC has controls relating to the movement and storage of ballot papers. These controls are reviewed in relation to the prevailing risk environment and enhanced where appropriate.

4.5. Apparent reluctance to recommend technical change to JSCEM¹³

- 4.5.1. A list of changes, both technical and otherwise, identified and recommended by the AEC to JSCEM for the 2007 and 2010 Federal Election Inquiries is contained at Appendix G.
- 4.5.2. Of the 31 recommendations the AEC provided to JSCEM in its submissions to the *Inquiry into the 2010 Federal Election*, 21 recommendations were either supported or reflected in principle in JSCEM's Report *The 2010 Federal Election: Report on the conduct of the election and related matters* or were incorporated into Government legislation prior to JSCEM's tabling of their Report.
- 4.5.3. The AEC's response to suggested improvements to administrative provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act) from the ANAO Audit Report No. 28 is outlined at Appendix H.

4.6. ANAO's "Gold Standard" Characteristics of an Audit Committee¹⁴

- 4.6.1. Since 2007 the AEC has enhanced its governance framework to achieve the "gold standard" characteristics of an Audit Committee as identified by the ANAO at the JSCEM hearing on 6 February 2014.
- 4.6.2. Under section 46 of the *Financial Management and Accountability Act 1997* the AEC is required to have an audit committee. The AEC has operated an audit committee since it was established in 1984.
- 4.6.3. The AEC considers the operation of its audit committee, the BAC, to be to very effective and of a high standard. To fulfil its charter, BAC has fully adopted the *ANAO Better Practice Guide Public Sector Audit Committees*, August 2011, as demonstrated against each of the key characteristics:
 - a) Charter - BAC's Charter is structured on the recommended ANAO model audit committee charter and is reviewed annually. It was last amended on 2 December 2013.

¹³ Ibid. pages 7 and 8.

¹⁴ Ibid. pages 12 and 13.

- b) Expertise - BAC has maintained a broad range of relevant knowledge and skills through the appointment of independent members from 13 December 2007 and an independent Chairperson from 1 January 2012.
 - c) Relationship with CEO/Board - BAC has developed a close working relationship with the Electoral Commissioner, Executive Leadership Team (ELT – consisting of the Electoral Commissioner, Deputy Commissioner and two First Assistant Commissioners) and the all-SES group, the Executive Management Group (EMG). The BAC Chair attends and reports at each EMG meeting.
 - d) Independence and Autonomy - the appointment by the Electoral Commissioner of external BAC members demonstrates a commitment to the provision of advice that is independent of internal and management perspective.
 - e) Knowledge and Risks - BAC has maintained a consistent and comprehensive knowledge the AEC's operations and risks through the appointment of relevant AEC Senior Management and external members.
 - f) Chairperson - on 1 January 2012 the first independent external chair of BAC was appointed. Mrs Morison is a highly experienced independent external member of Audit Committees in the Commonwealth.
 - g) Implementation of audit recommendations - BAC has initiated a range of improvements to the way audit recommendations are monitored and reported, including reducing the scope for delays by ensuring the timely follow-up of previous audit recommendations.
- 4.6.4. BAC meetings currently consist of the external Chair, members of the Executive Management Group and ANAO representatives and has met a total of 30 times since 2007.
- 4.6.5. The Financial Statement auditors from the ANAO have attended all except four BAC meetings since 2007.

4.7. Tendency for the AEC to promote from within rather than from outside, limiting fresh thinking and new ideas¹⁵.

- 4.7.1. The administration of the AEC and its policies and process has also undergone significant change since 2007. Of the AEC's current 20 Senior Executive Service (SES) and Statutory Office holders, only two hold the same position they held for the 2007 Federal Election. None of the AEC Executive Leadership Team (ELT) comprising of the Electoral Commissioner, Deputy Electoral Commissioner and two First Assistant Commissioners were members of the ELT in 2007.
- 4.7.2. Between the 2007 and 2010 Federal Elections, 15 SES and Statutory Office Holders were new to their position, with 6 of those, including the Electoral Commissioner, recruited from outside the AEC. Between the 2010 Federal Election and the present, 7 SES and Statutory Office Holders are new to their positions with 4 recruited from outside the AEC. This turnover provides for an appropriate mix of practical electoral experience and the incorporation of new ideas and innovative ways of conducting business.
- 4.7.3. It is also worth noting that in an operational organisation like the AEC that there is significant value in the senior executive having an understanding and appreciation of, if not direct experience in, operational issues, and that the value and applicability of this knowledge increases over multiple events.
- 4.7.4. Between the 2010 and 2013 Federal Elections of all Executive Level staff recruited, 43 per cent were recruited from outside the AEC.

¹⁵ Proof Committee Hansard, JSCEM, *Conduct of the 2013 federal election and matters related thereto*, 6 February 2014, page 6.

5 ANAO Audit Report No. 28 Conclusions and Recommendations

5.1. Under the heading of “Overall Conclusion” the ANAO concluded that:

The most significant long-term issue facing the AEC remains the state of the electoral roll¹⁶... Improving the enrolment rate is one of the greatest challenges facing the AEC. Accordingly, four of the nine audit recommendations are suggestions for improving the accuracy and completeness of the electoral roll¹⁷.

5.2. The ANAO Audit Report No. 28 also concluded that:

- The AEC’s planning and preparation was effective¹⁸;
- While the AEC’s processes supported the fair and accurate counting of votes, transport and security could be improved and the process of election night results communication on polling night could be improved¹⁹; and
- There could be improvements to various provisions in the Electoral Act relating to administration²⁰.

5.3. As outlined in Section 3.9, the AEC prioritised:

- Implementing the explicit recommendations and intent behind them which related broadly to the integrity of the electoral roll and risk mitigation through workforce planning, recruitment and training; and
- Enhancing the AEC’s audit and risk management frameworks.

¹⁶ ANAO Audit Report No. 28 - 2009–10 Performance Audit of The Australian Electoral Commission’s Preparation for and Conduct of the 2007 Federal General Election, paragraph 11.

¹⁷ Ibid 13.

¹⁸ Ibid 14.

¹⁹ Ibid 15.

²⁰ Ibid 16.

6 Implementation of ANAO Audit Report No. 28 Recommendations

6.1 Recommendation 1:

ANAO recommends that the Australian Electoral Commission:

- (a) engage with the Office of the Privacy Commissioner to develop improved governance arrangements for the collection, processing, data-matching, distribution and management of the personal information of electors and potential electors; and*
- (b) assess the extent to which broad use of electoral-roll information by non-government entities may be adversely impacting on the willingness of Australians to enrol to vote²¹.*

6.1.1 The AEC's view was that the purpose of this recommendation was to address concerns relating to the privacy of electors' personal information, the collation and ownership of data pursuant to electoral roll maintenance and the possible effect this may have on electors' motivation to enrol.

6.1.2 The AEC has in place arrangements for the collection, processing, data matching, distribution and management of personal information based on the Office of the Australian Information Commissioner (OAIC) Data Matching Guidelines.

6.1.3 In 2011 the privacy implications of direct enrolment and update of enrolment details processes were discussed with the OAIC pursuant to the development of changes to the enrolment provisions enacted in the *Electoral and Referendum (Maintaining Address) Act 2012* and the *Electoral and Referendum (Protecting Elector Participation) Act 2012*. The OAIC reviewed and commented on the AEC's Direct Enrolment and Update Privacy Impact Assessment²². This document analysed direct enrolment and update from the perspective of each of the Information Privacy Principles and was published on the AEC's website in December 2012, in accordance with the OAIC's recommendation. In its submission to the JSCEM Inquiry into the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012, the AEC noted that the direct enrolment processes would comply with the legislative requirements contained in the *Privacy Act 1988*, in particular with Information Privacy Principle 8.

6.1.4 The AEC consults with staff of the OAIC where appropriate as a matter of course when drafting legislation.

²¹ Ibid 2.28.

²² Privacy Impact Assessments are key documents in demonstrating how privacy risks have been considered and what protections have been applied.

- 6.1.5 Also in 2013, the AEC undertook a review of the data management and governance processes pertaining to electoral roll data extracts provided in accordance with the Electoral Act. The outcome of that review included, but was not limited to, the development of a comprehensive policy relating to the provision of electoral roll data under s90B of the Electoral Act.
- 6.1.6 The AEC has Memoranda of Understanding with various data providers, which contain clauses relating to data security, integrity, confidentiality, protection and destruction. They also variously contain clauses relating to further governance and complaints arrangements.
- 6.1.7 In 2013 the Electoral Commissioner also reviewed the AEC's policy relating to public inspection of the roll provided for under section 90A of the Electoral Act. This review was conducted with an awareness of the Information Privacy Principles. In March 2010, the AEC commissioned Ipsos-Eureka to conduct a research study examining the triggers for enrolment for those aged 18-39 years. This research did not provide indications that there was any link between third-party use of electoral roll information and a disinclination for people to enrol to vote.

6.2 Recommendation 2

To give a sound footing to Joint Roll Arrangements and to adhere to the greatest possible extent to the principles set out in the Australian Government Cost Recovery Guidelines, ANAO recommends that the Australian Electoral Commission establish a sound basis for costing the maintenance and review of the electoral rolls and the production of state and territory roll products²³.

- 6.2.1 The ANAO Audit Report No. 28 noted that the Joint Roll Arrangements "are inter-governmental arrangements and, as such, are exempt from the *Cost Recovery Guidelines*²⁴." The Joint Roll Arrangements make provision for cost-sharing arrangements with the States and Territories and forms the only basis for any cost recovery mechanism of the expenditure on electoral roll maintenance. As noted by the then Department of Finance and Deregulation during the course of the 2012 AEC Funding Review, and likewise documented in the complementary 2012 PriceWaterhouseCoopers Report *Financial Review of AEC*:

There is little scope for the States or Territories sharing an increased proportion of the costs under the Joint Roll Agreements, with the greater risk being that as the Commonwealth and state rolls continue to

²³ ANAO Audit Report No. 28 - 2009–10 Performance Audit of The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election, paragraph 2.45.

²⁴ Ibid 2.43.

diverge, states will contribute an amount less than what they are currently paying.

- 6.2.2 Nonetheless, in order to establish a sound basis for costing the maintenance and review of electoral rolls and the production of State and Territory roll products, in 2011-12 the AEC commissioned a consultant to review and redevelop the Joint Roll cost model using contemporary business process information, data inputs and assumptions. The model incorporates full cost recovery components, including direct and indirect costs and corporate overheads, with its purpose being to facilitate AEC adherence to the Australian Cost Recovery Guidelines to the greatest extent possible with respect to Joint Roll cost sharing.
- 6.2.3 The revised model has since informed negotiations between the AEC and the State and Territory Electoral Commissions regarding their financial contribution to the maintenance of the electoral roll and provision of roll products. In these negotiations, the AEC has sought to maintain, and increase where appropriate, the contributions, to compensate for increasing direct costs of growing and maintaining the roll.

6.3 Recommendation 3

ANAO recommends that the Australian Electoral Commission, in consultation with the Australian Bureau of Statistics, expand and enhance the sampling methodology for undertaking habitation visits as part of its roll-management activities so as to:

- (a) attain more reliable enrolment estimates at the state and territory level;*
- (b) accurately assess the state of enrolment in sparsely populated areas;*
- (c) deliver more reliable enrolment rates at the divisional level; and*
- (d) assist it to identify the key demographic characteristics of missing electors and resident non-citizens²⁵.*

- 6.3.1 After an internal review of the existing Sample Audit Fieldwork (SAF) process²⁶, in May 2011, the AEC wrote to the Australian Statistician to seek the Australian Bureau of Statistics' (ABS) assistance in revisiting and updating the SAF methodology, pursuant to implementing this recommendation.

²⁵ Ibid 3.35.

²⁶ Sample Audit Fieldwork (SAF) is a door knocking activity of a national statistically valid sample of the electoral roll. Areas to be included in SAF are identified by randomly selecting a particular number of Census Collection Districts in each state and territory.

6.3.2 After engaging in a number of discussions with the AEC regarding the process in June 2012, the ABS provided the AEC with the Sample Design Options Report (SDO Report) for estimating the accuracy of the electoral roll. The SDO Report provided a range of options for sample size based on relative standard error (RSE) rates, to achieve results ranging from highly reliable (1 per cent RSE), to reliable (10 per cent RSE) for each electoral division. However, achieving highly reliable information by division would have required the AEC to contact over 11 million electors, or 77 per cent of all electors enrolled as at 30 June 2012. To achieve reliable information by division would require contact with over 1 million electors, or 7 per cent of all electors enrolled as at 30 June 2012.

6.3.3 The AEC estimates that fieldwork costs approximately \$8.00 per residence. The estimated cost of undertaking a SAF event designed to achieve reliable information at the divisional level is up to \$8 million. For the 2013 SAF event, the AEC opted to use a methodology previously provided by the ABS, using a much smaller sample size which still provided reliable results at State and Territory level (7.5 per cent RSE) at a total cost of only \$317,000. The AEC believes that this approach represented better value for money. The results were consistent with those from previous SAF activities.

6.4 Recommendation 4

To better target its efforts to improve the electoral roll, ANAO recommends that the Australian Electoral Commission, in consultation with relevant research bodies and the Australian Bureau of Statistics, formulate a program of research into elector enrolments and enrolment trends, with a view to identifying potential electors missing from the roll and the reasons why they may not be enrolling.

6.4.1 In March 2010, the AEC commissioned Ipsos-Eureka to conduct a research study examining the triggers for enrolment among those aged 18-39 years, with the aim of informing short term strategies to be deployed in the lead-up to the next Federal Election. A secondary aim of the research was to inform medium to long term strategies that could be employed to stimulate enrolment rates on an ongoing basis. Overall, the aims of the project were to:

- Explore and provide insight into what the likely triggers for enrolment/re-enrolment for 18-39 year olds are;
- Examine whether these triggers change as people move through different life stages; and

- Provide insight into what short and long term strategies need to be employed to target enrolment activities that will improve the participation rate of 18-39 year olds.

6.4.2 In seeking to identify why electors were missing from the electoral roll and the reasons why they may not be enrolling, the Ipsos-Eureka Report concluded:

A relatively small proportion of those surveyed (8%,) were not currently on the electoral roll. When these people were asked whether they planned to enrol to vote for the next Federal election 28% said they intended to enrol prior to the election, 12% said they plan to enrol when an election is called, and 6% said they would enrol on election day. A third (33%) of those not currently on the electoral roll said that they would not be enrolling, while one in five (21%) did not know whether or not they would plan to enrol. (Analysis by age, gender, and enrolment type showed no significant differences)²⁷.

6.4.3 The Ipsos-Eureka Report went on to detail that, of electors not on the electoral roll and not intending to enrol:

- 31 per cent of respondents indicated that they objected to compulsory enrolment
- 19 per cent indicated a lack of interest in politics as the main barrier to enrolment, and
- 16% were apathetic about enrolment.

These responses were consistent across age, gender and enrolment type.

6.4.4 The findings from this research have been used by the AEC to inform the development of ongoing activities and campaigns, including:

- The enhancements to the online enrolment service;
- Investigations into ongoing interactions with other government agencies, including the ATO;
- An SMS trial designed to remind electors to enrol
- The 'movers' campaign targeted at those who move house; and
- Other approaches to improving elector turnout at elections

²⁷ Ipsos-Eureka Enrolment Triggers Report, section 4.2a

6.5 Recommendation 5

ANAO recommends that, in order to improve its election workforce planning and the selection, recruitment, training and performance evaluation of polling staff, the Australian Electoral Commission:

- (a) critically examine its future election workforce needs and workforce composition, setting goals for the training and retention of all election officials, including staff paid while held in reserve on polling day; and*
- (b) in consultation with other electoral authorities, seek to strengthen national employment strategies for the recruitment and training of key polling staff in advance of an election so that all polling booths have staff that have been consistently assessed for suitability and have been adequately trained²⁸.*

- 6.5.1 The AEC has made significant progress with workforce management. The recruitment process for the 2007 Federal Election was a paper based process. In 2007 the AEC did not maintain formal contact with applicants between elections. Once or twice in the lead up to the election, (6 to twelve months ahead of an expected electoral event period), the AEC would mail out an Expression of Interest form to all applicants who had either previously worked at an election or registered their interest, and advertise in public media for new applicants. Only those who returned the form were considered for future employment. This process was cost and labour intensive and presented difficulties when attempting analysis of election workforce needs and composition.
- 6.5.2 For the 2010 Federal Election the AEC Employment System (then called the "Online Recruitment System") was implemented to provide a facility for online recruitment. New applicants could register their interest to work with the AEC via a web-based registration of interest form and existing records were transferred into the system. Upon announcement of the 2010 Federal Election the AEC was immediately able to email offers for employment and receive confirmation back via email. This process saved data entry, printing and mailing costs and allowed for more timely interaction with applicants. It also provided AEC staff with a better facility to monitor the status of offers made and accepted, allowing them to follow up and/or replace staff as necessary.
- 6.5.3 Following the 2010 Federal Election the AEC reviewed its election-related IT systems. Successive releases of additional systems functionality have been implemented to provide better reporting and

²⁸ ANAO Audit Report No. 28 - 2009–10 Performance Audit of The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election, paragraph 4.17.

search functionality and tighten data validation and transmission processes and allow for ongoing registration and update of details by applicants.

- 6.5.4 The AEC has introduced a process of “soft contact” with its temporary workforce between elections. The AEC undertook two rounds of formalised contact with polling officials in 2011 and 2013 to encourage applicants to update their profiles with current contact details, availability and skills information so as to inform the AEC recruitment decisions and maintain constant election readiness. This was conducted using email, where possible, to facilitate faster processes and better information on response rates or addresses no longer in service.
- 6.5.5 These enhanced processes enabled the AEC to improve the timeliness of recruitment of staff. In 2007 only 4 per cent of offers were accepted on the same day they were sent. In 2010, using the new system, 24 per cent of offers were accepted and in 2013 the percentage increased to 27 per cent - see below:

Table 1. Timelines of offers accepted, 2007-2013.

Election	Same day	Within 5 days
2007	4%	26%
2010	24%	66%
2013	27%	75%

- 6.5.6 The AEC is also able to utilise the information contained within the AEC Employment System to analyse the composition and distribution of its work force. For example, see Figures 1 and 2 below.

Figure 1. Officers in Charge by Gender and Age Employed for the 2010 and 2013 Federal Elections.

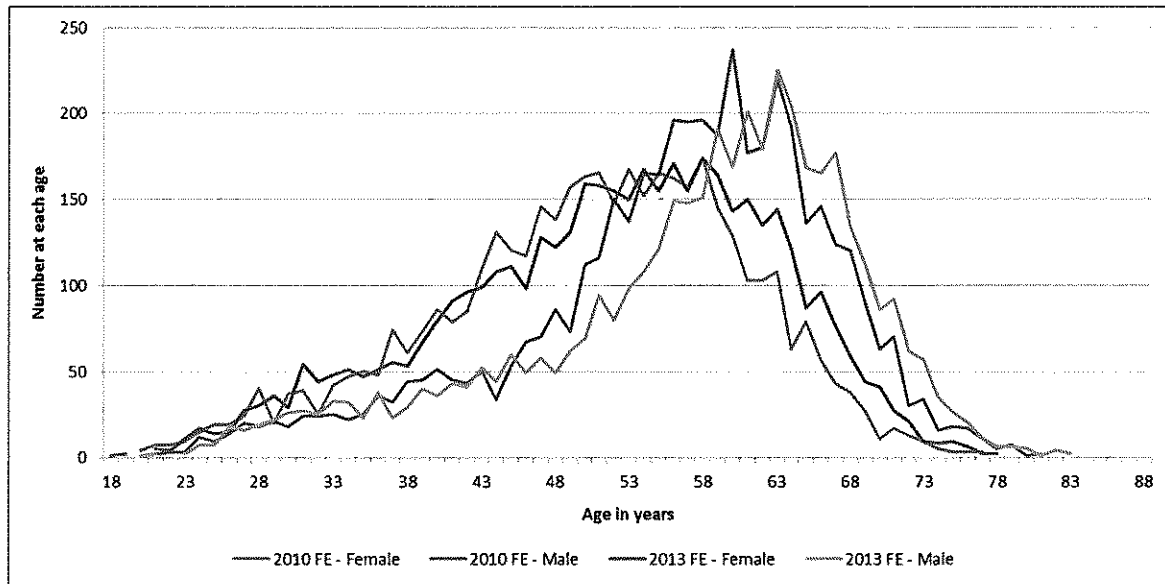
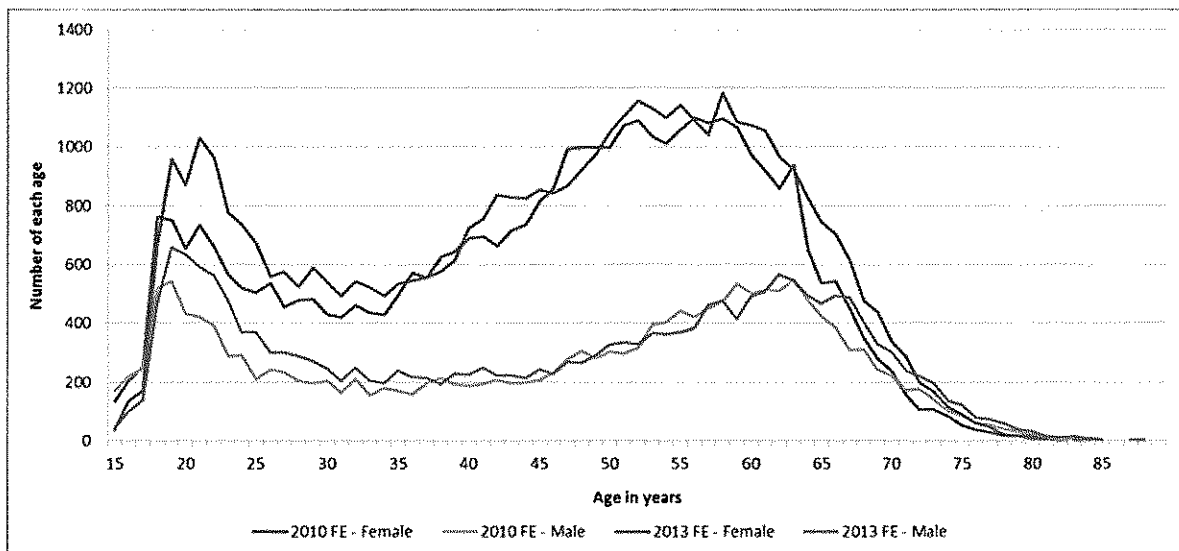


Figure 2. Polling Assistant by Gender and Age Employed for the 2010 and 2013 Federal Elections.



6.5.7 Such data enables the AEC to better understand its workforce and provides the basis for targeted recruitment and training strategies.

6.5.8 In addition to understanding its workforce composition and distribution the AEC was also able to ascertain that, for the 2013 Federal Election, 53 per cent of staff had previous election experience. The vast majority of the turnover between elections occurs at the polling assistant level. In 2013 89 per cent of OICs indicated they had prior electoral experience.

- 6.5.9 The AEC now also has greater capacity to assess the level of applicant interest across polling official positions in particular regions. This provides a significantly improved platform for future planning purposes and examination of the composition of this workforce. Information to inform planning can be obtained more readily and is more accurate than could be obtained in 2007. This information and feedback has also informed the AEC's approach to training of polling officials.
- 6.5.10 Polling official training is separated into four categories depending on the type of polling, namely: static polling, pre-poll voting, mobile polling and remote mobile polling. Training is provided for both senior (including Officers-in-Charge (OICs) and Second-in-Charge (2ICs)) and junior roles (including ballot box guards, queue controllers and issuing officers). In 2007 polling official training materials included six role-specific manuals that were provided in hardcopy to trainees which included "homework" questions with answers included for trainees to test themselves. Trainees for senior roles attended a face-to-face training session and worked through the manual. At this time, while staff were required to hand in their completed homework books on polling day there was no formal assessment of polling officials.
- 6.5.11 Following the 2007 Federal Election, feedback from AEC staff and a survey of 14,000 polling officials indicated the need for a more flexible approach to polling official training for federal electoral events. A working party was formed and in consultation with instructional design and learning and development experts, an online learning system was procured and put in place for 2010 the Federal Election. Polling official training material included nine role-specific handbooks that were available in hard-copy to every polling official, in addition to home-based training completed via the online learning platform. The home-based training, as well as providing learners with course content, also incorporated an assessment which could be completed online or via a printed workbook depending on the trainees' needs, compulsory for all except Static Ordinary Issuing Officers roles. A briefing session was also carried out for senior roles, which was an adapted version of the face-to-face training delivered in 2007, with more information included in the home-based training component for 2010 as compared to the 2007 Federal Election.
- 6.5.12 A major milestone for the 2010 Federal Election saw the introduction of home-based online training which enabled formal assessment of polling officials. A pass mark of 80 per cent was required for each course, with a limit of three attempts; feedback to reinforce learning was provided to trainees who failed courses. Prior to 2010 the AEC was not able to assess individual performance against the provided coursework.

- 6.5.13 The introduction of online training also allowed DROs to monitor the progress of polling officials who were completing their courses online. Trainees who did not complete and pass their home-based training and attend the face-to-face briefing session could not be employed in a senior position. Exceptions could be made in exceptional circumstances (such as last minute employment due to late withdrawal of staff) and only if the DRO could satisfy themselves that the person had the skills and knowledge required to effectively perform their allocated job.
- 6.5.14 A post-implementation review of the 2010 Federal Election (PIR) resulted in a working party made up of key staff that focused on the employment, training and payment of polling officials. The remit of the working party was twofold:
- Review and test changes made to the AEC employment, training and payment systems since the 2010 Federal Election; and
 - Identify and develop further enhancements to the three systems.
- 6.5.15 Staff from all States and Territories (across all three levels of the AEC) were involved in user acceptance testing. There were also polling officials nationwide that participated in a one day simulation test of the employment and training systems.
- 6.5.16 Between 2010 and 2013 major changes were made to the polling official training which included:
- Review of the content of all training materials - content was then reviewed on an ongoing basis with each subsequent legislative or procedural change to remain "election ready" at all times.
 - Changes to the online learning system to address accessibility issues faced in the 2010 Federal Election, including reduced file sizes, removal of third-party software requirements and a simplified graphical user interface.
 - Reduction of online training content which resulted in compulsory face-to-face training sessions being reinstated rather than the briefing sessions used in 2007.
 - Introduction of materials to help polling officials during polling, such as place cards and identification badges with role-specific information printed on the back.
 - A polling official DVD to give polling officials an insight into what to expect when working during an election and to demonstrate correct polling place culture and processes.

6.5.17 As a result of the implementation of the findings of the PIR and the working party, training and materials provided to polling officials were modified. For the 2013 Federal Election, training and materials consisted of:

- Nine role-specific handbooks , provided in hard-copy to every polling official;
- A polling official DVD for every polling official;
- Compulsory home-based (online) training incorporating an assessment which could be completed online or via a printed workbook (except Static Ordinary Issuing Officers who, in addition to receiving the workbook which contains exercises, received a briefing before polling begins);
- A compulsory face-to-face training session for senior roles; and
- Specific face-to-face training for polling officials who were using the newly introduced Electronic Certified Lists to issue votes.

6.5.18 Following the 2013 Federal Election, polling official training is again undergoing a review and many new initiatives have been developed. Between October and December 2013, the AEC developed a comprehensive and robust strategy for evaluating the training delivered for the 2013 Federal Election. The evaluation consisted of comprehensive learner surveys being distributed to 24,000 polling officials and each Divisional Returning Officer. Due to the overwhelming response rates, data is still being analysed to be included in a full evaluation report. The high response rates indicate that polling officials welcome the opportunity to provide feedback on the training they received, and this combined with supervisor data and continued dialogue with the staff network will ensure continual enhancement of polling official training quality, consistency and effectiveness.

6.5.19 The training delivered for each election event in the future will now be fully evaluated and results will not only feed into the continuous improvement framework for training within the AEC, but will also be used for long-term trend analysis to cross-compare all training, whether operational or corporate.

6.5.20 Notwithstanding the jurisdictional differences in processes, the AEC engages with other electoral authorities to discuss national recruitment, training and assessment strategies, with a view to collectively enhancing Federal and State and Territory Electoral Commissions' capacity for workforce planning. A meeting of electoral commissions was convened on 16 September 2011 to evaluate and discuss various recruitment, training and assessment initiatives implemented for the

2010 Federal Election, the 2010 Victorian State Election and the 2011 NSW State Election.

6.5.21 Following the meeting information relating to the various approaches was shared amongst the Electoral Commissions.

6.6 Recommendation 6

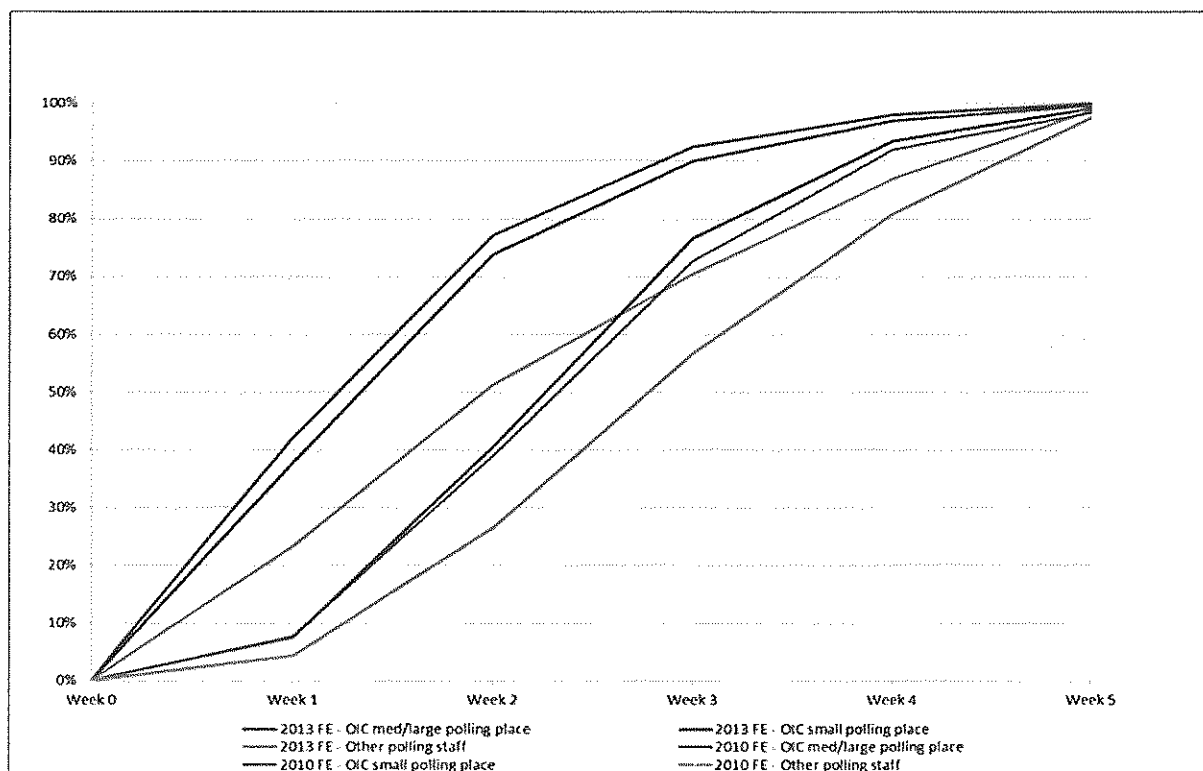
ANAO recommends that the Australian Electoral Commission enhance the recruitment and training processes for polling-booth staff for future federal elections by:

- (a) examining opportunities to increase the priority given to the recruitment of Officers-in-Charge in order to secure the best candidates that are available and provide them with sufficient training; and*
- (b) after the election, completing performance appraisals for staff and recording these in the relevant systems in order that this data can be used to inform and improve the recruitment practices for future electoral events²⁹.*

- 6.6.1 The AEC has emphasised to its staff that OICs and 2ICs must be employed early in the election period as has been practiced in the past. As explained in relation to recommendation 5 above, the AEC has made significant progress with workforce management through the ongoing development of the AEC Employment System.
- 6.6.2 As the AEC is able to “soft allocate” suitable candidates to OIC and 2IC positions and email offers of employment following the issue of the writ, it is able to effectively increase the priority given to the recruitment of those positions.
- 6.6.3 For the 2013 Federal Election 99 per cent of OICs and 2ICs were employed by the Monday prior to polling day compared with 92 per cent for the 2010 Federal Election. This enabled the AEC to provide those in key positions with sufficient training.
- 6.6.4 This targeted recruitment of OICs also enables the AEC to identify and approach experienced candidates for senior roles; the percentage of OICs with previous election experience from 82 per cent for the 2010 Federal Election to 89 per cent for the 2013 Federal Election. It also enabled the AEC to employ senior polling officials as a priority to enable them to undertake training.

²⁹ Ibid 4.67.

6.6.5 Acceptance of polling official positions during the 2010 and 2013 Federal Elections:



6.6.6 Upon confirmation of employment all polling officials were provided with training materials relevant to their role and further support materials that included:

- Election Procedures Handbook, which contained all required information to conduct polling and undertake counting. It also included administrative, emergency and workplace health and safety guidance. Copies were also made available in each polling place;
- A DVD which was developed in 2012, providing a uniform picture of what a polling place looks like, how it operates, team work and procedures. A shortened version of this was also available on YouTube;
- Role badges and quick reference guide on polling official lanyards; and
- Place cards with quick reference guides for all issuing officers and OICs in static and pre-poll polling places.

6.6.7 For the 2013 Federal Election senior polling officials were required to complete a two-stage training program:

- Initial home-based training; and
- Further face-to-face learning.

- 6.6.8 Within 24 hours of confirmation of offers of their employment, the OICs and 2ICs were invited to commence their online training. Options for the method of undertaking home-based training coupled with the delivery of face-to-face training were provided in recognition of differences in individual learning preferences. Home-based training may be completed online or staff may opt to receive a workbook that is to be completed and returned to the Divisional Office. The content remains the same for both methods of delivery and incorporates assessments to be completed and reviewed. The assessment comprises 41 questions directly related to the duties to be undertaken on polling day. The online delivery integrates assessments and results that are provided to the participant during the course. The assessments contained within the workbooks are returned to the Divisional Office and are reviewed by AEC staff to ensure competency. Upon completion of the home-based training employees attend the face-to-face training component.
- 6.6.9 DROs and their staff deliver the face-to-face sessions allowing them to provide any local information, meet their polling staff and tailor the face-to-face training based on the results of the home-based training and assessment. This process allows the DRO to satisfy themselves that the OICs and 2ICs are fit for duty.
- 6.6.10 The AEC Employment System also delivers enhanced functionality for recording performance ratings. For the 2007 Federal Election, performance rating was based on a simple 3 point scale (exceeds requirements, meets requirements, does not meet requirements). Most assessments were undertaken in paper form by the OIC then checked and manually entered into computer systems by AEC staff post-election. The ANAO Audit Report No. 28 noted a past practice of setting a default rating of "meets requirements" was assumed for all polling staff. AEC staff would vary this rating based on the information subsequently provided by the OIC. This practice was discontinued prior to the 2010 Federal Election. For the 2010 Federal Election, there was no default rating of "meets requirements" assumed.
- 6.6.11 The AEC Employment System retains each employee's history, including roles undertaken and performance ratings as assessed. Already a useful tool, the AEC expects the performance rating contained with the AEC Employment System will facilitate a more strategic approach to election workforce planning.

6.7 Recommendation 7

ANAO recommends that the Australian Electoral Commission:

- (a) work with other Australian Government agencies that provide funding for the construction, upgrade or maintenance of facilities that are, or may be, used as polling booths to identify opportunities to secure access to these facilities for electoral events as part of the funding arrangements;*
- (b) seek to implement standing arrangements with venue owners, particularly state governments, to secure suitable and accessible polling booths on just terms, with particular regard to the needs of the elderly and disabled, and the availability of premises in large rural divisions;*
- (c) negotiate the use of suitable Commonwealth agency venues, in particular as pre-poll voting centres and fresh-scrutiny centres; and*
- (d) redevelop the strategic program of inspection of polling places to include systematic post-election evaluation and to identify improvements (where possible) of venues that are used as polling booths³⁰.*

6.7.1 The AEC notes that the intent behind these recommendations relates to the accessibility and suitability of polling places and the ability of the AEC to obtain polling places for a reasonable fee. The AEC's response noted that this recommendation was agreed with qualification.

6.7.2 Part 7(a) of this Recommendation was informed by the then Government's Building the Education Revolution program that was underway contemporaneous to the Audit. The AEC noted that to encumber public funding with a contingent obligation to provide those facilities to the AEC on demand would require a Government policy decision. Notwithstanding the recommendation's intent, it remains the case that the great majority of properties affected by that building program and contemplated by this recommendation are under the control of State Governments. The AEC is not in a position to effect the intent of these recommendations by seeking to rely on the Constitutional power of the Commonwealth to acquire property on just terms; as it considers that such an action may threaten the formal and informal arrangements the AEC currently has in place for the use of State and Territory controlled property at election time.

6.7.3 With regard to part 7(b) of this Recommendation the AEC already has formal arrangements in place with State Government venue owners, most notably Education Department schools, and some private sector organisations, that control multiple polling place sites (for example independent schools). State Managers share information and new

³⁰ Ibid 4.103.

agreements are negotiated at State Office level as opportunities arise and where a common owner is identified for multiple polling place sites.

- 6.7.4 Since 2007 the AEC has also formalised arrangements with various State-based government departments.
- 6.7.5 It remains the case that many sites that are suitable for polling are owned by individuals and secured by DROs for each electoral event. This will continue to be a challenge for DROs in large rural electorates with a large number of polling places and the AEC's State Offices support DROs to undertake this election planning task.
- 6.7.6 Schools and community halls continue to be the AEC's primary focus for polling and scrutiny premises due to their location and general compliance with accessibility and work health and safety requirements. Whilst cognisant of the intention of part 7 (c), very few Commonwealth owned properties are suitable for use as polling places as they are not usually designed to cater for efficient voter flows and scrutiny arrangements. Nonetheless, where appropriate, the AEC is utilising Centrelink and Medicare offices to act as "Election Service Centres" to service the public at election time.
- 6.7.7 Polling place inspections and reviews are undertaken in between elections to review accessibility and to review the market for the most suitable, available premises. Inspections of polling places used for the 2013 Federal Election were completed throughout 2012. They were subject to assessment criteria of a higher standard than required for the 2007 Federal Election. For example, polling place suitability reflects Australian Standard AS 1428 relating to accessibility.
- 6.7.8 To give effect to part 7(d) of the Recommendation the AEC requires OICs to evaluate the suitability of their polling place and record that information in their OIC Return for future reference by the DRO. It specifically addresses:
- Accessibility for electors and materials;
 - Adequacy of furnishings, lighting, temperature control and shade;
 - Adequacy of size relative to the number of electors;
 - Amenities such as toilets, kitchen and parking;
 - Issues with prior access to set up for polling day;
 - Identification of hazards in the building, fixtures and fittings, and furniture; and
 - Any necessary improvements.

- 6.7.9 The information contained in the OIC Return is used by DROs in assessing the ongoing suitability and location of polling place venues as part of preparation for the next electoral event.

6.8 Recommendation 8

ANAO recommends that the Australian Electoral Commission:

- (a) develop strategies to mitigate the risk to the credibility of election results posed by the current practices for reporting of election-night counts by Officers-in-Charge; and*
- (b) identify and assess options for the storage and transport of completed ballot papers that provide greater physical security of ballot papers³¹.*

- 6.8.1 This Recommendation relates to the veracity of polling night results. The ANAO highlighted the reliance placed on these results in that the swearing in of a new Ministry occurred within just nine days of the 1996 and 2007 Federal Elections, well before the return of the writs for the respective elections.
- 6.8.2 The ANAO expressed concern that the results from fresh scrutiny overwrote the results from the polling night count in the Election Management System (ELMS)³² and the process whereby scrutineer challenges affects the total number of informal ballot papers at fresh scrutiny³³.
- 6.8.3 The AEC retains all records from the polling night count and the ANAO Audit Report No. 28 noted that the error rate of polling night counts, when compared with subsequent fresh scrutiny counts were low³⁴. The AEC notes that the "fresh scrutiny" provisions in the Electoral Act are designed such that any errors in polling night counts can be corrected and that it is the fresh scrutiny results (and if required a full distribution of preferences) that are relied on to determine the result
- 6.8.4 The Electoral Act provides for scrutineer involvement in challenging the formality of ballot papers during the polling night count, and fresh scrutiny processes. The extent to which the outcome of this process may affect the election outcome of a close seat³⁵ is of concern to the AEC. Accordingly, the AEC ensures that consistency is applied in the application of the rules of formality of ballot papers. The AEC was provided with further certainty on the rules of formality by the Court of Disputed Returns in the 2008 case of *Mitchell v Bailey* (No. 2). The

³¹ Ibid 5.101.

³² Ibid 5.79.

³³ Ibid 5.85.

³⁴ Ibid 5.72.

³⁵ Ibid 5.86.

AEC undertook a review of formality advice and procedures in 2008; this informed the AEC policy with regard to formality guidelines and close seat management.

6.8.5 Nonetheless, to mitigate any possible threat to the integrity of polling night results, parameters were built into the Election Management System (ELMS) to assist DROs identify where significantly more or less votes than estimated are phoned in on election night. Any anomalous phone calls would be picked up by the end of election night, either when the correct results are phoned in or when ballot materials are returned to the Divisional Office.

6.8.6 The ANAO Audit Report No. 28 noted that "ballot papers are tightly held and controlled"³⁶. It goes on to say:

*ANAO fieldwork did not identify any serious security issues or accidents arising from the practice of OICs transporting ballot papers to counting facilities for the 2007 general election. However, neither could divisions identify any contingency planning in the event that an accident occurred, either for providing assistance to the OIC involved or for dealing with ballot papers that, potentially, might have been lost or damaged as a result*³⁷.

6.8.7 This Recommendation relates to the observations by ANAO staff of the movement of ballot papers from polling places to Divisional Offices or scrutiny centres only³⁸.

6.8.8 In response to this Recommendation the AEC updated its Election Procedures Manual in 2010 to reflect the ANAO's concern. Amongst the revisions, the following instruction was included "Whenever ballot papers are transported they must be in ballot boxes and sealed with serial numbers recorded. The minimum standard for overnight storage in a secure locked room that has been approved by the DRO's supervisor or Director Operations." In an internal advice document issued in the lead-up to polling day for the 2010 Federal Election, DROs were reminded to reinforce security arrangements for the parcelling and return of election materials.

6.8.9 This message was reinforced in training materials for OICs where the importance of security of ballot papers was emphasised.

6.8.10 In seeking to give effect to the intention of this Recommendation, and noting in particular, the concern relating to contingency planning, the

³⁶ Ibid 5.95.

³⁷ Ibid 5.99.

³⁸ Ibid 5.96 to 5.100.

AEC has made significant progress toward developing its internal risk management framework, including business continuity plans.

- 6.8.11 Improvements to the targeted recruitment and training of OICs as mentioned above has been a key strategy employed to addressing the risks identified by this recommendation.

6.9 Recommendation 9

ANAO recommends that, in order to provide transparent and accountable reporting on the conduct of elections, the Australian Electoral Commission develop comprehensive performance standards for the conduct of elections and, following the conduct of each election, report to the Parliament on the extent to which these standards have been met³⁹.

- 6.9.1 The AEC notes that the intent of this Recommendation, cognisant of the AEC's 2007 election evaluation process which collected data on 24 key election activities, was to enhance the reporting framework to Parliament.
- 6.9.2 The ANAO cited the United Kingdom Electoral Commission's seven performance standards for electoral returning officers in Great Britain as "three related to the quality of planning and organisation, and four related to integrity, public awareness, accessibility of information, and the management of relationships with election candidates and their agents⁴⁰." The AEC notes the different relationship it has with its DROs, being part of the same organisation, than that in the case of the UK Electoral Commission and its returning officers who are typically local government employees and not subject to electoral commission control.
- 6.9.3 Nonetheless, in early 2013 a review of performance standards that apply for other jurisdictions, including the UK, was undertaken with a view to identifying possible standards for AEC Returning Officers. The AEC will continue to consider the benefits of benchmarking in evaluating staff performance and how such benchmarking would be implemented. The AEC recognises the value of learning from the UK experience in implementing performance standards, which took a number of electoral cycles to fully implement and was subject to workplace relations considerations.
- 6.9.4 In May 2011 the AEC established Work Level Standards for APS Levels 1 to 6 at the AEC. Each standard provides a general definition of work at the level, material related to the capability and skill

³⁹ Ibid 5.107.

⁴⁰ Ibid 5.106.

requirements for the level, typical duties and tasks performed, and the nature and scope of the contributions each level makes to achievement of AEC's broader objectives. DROs are classified as APS Level 6 and, while the Work Level Standards for APS Level 6 are applicable to APS Level 6 employees across the AEC, were developed with a view to encapsulating the role of DROs.

- 6.9.5 The establishment of the Work Level Standards complemented the AEC's Performance Management Program (PMP) that was launched on 1 July 2010. The PMP provides guidance and advice for managing instances of underperformance or misconduct where staff are not achieving the requirements of the relevant Work Level Standards.
- 6.9.6 The PMP was developed following a comprehensive consultation process including a PMP Survey of staff and a number of working parties, conducted in early 2010, comprising a cross section of staff from across the AEC, which considered various aspects of the PMP.
- 6.9.7 These Work Level Standards and PMP are tools used to evaluate and maintain the high performance of staff in undertaking their duties.
- 6.9.8 Some States have augmented the Work Level Standards and PMP and moved ahead with individual performance monitoring against a set of locally-developed standards. The application and outcomes of this approach is yet to be reviewed for consideration as to whether adoption on a broader basis is appropriate.
- 6.9.9 DROs plan for federal elections using the Divisional Office Election Sub-Project Planning Templates which incorporate 24 sub-project plans that form the basis of the conduct of an election within a Division. These sub-projects include, but are not limited to:
 - Financial management;
 - Polling place management;
 - Roll management from announcement to return of the writ;
 - Preparation and distribution of polling materials/equipment;
 - Recruitment, engagement and training of polling staff;
 - Nomination, ballot draw and candidate liaison;
 - Pre-poll, postal and mobile polling;
 - Receipt and transmission of results on election night;
 - Return of polling materials and equipment;
 - Fresh scrutiny;
 - Distribution of preferences; and
 - Declaration of the poll.

- 6.9.10 These plans are reviewed by operations managers in each State and a random sample of the completed templates were inspected during the 2012 Election Ready Assurance Review.
 - 6.9.11 Issues identified in the execution of these plans at election time are reported through the State Election Evaluation Conferences which form part of the AEC's overall election evaluation which in turn may inform the AEC's submissions to various JSCEM inquiries.
 - 6.9.12 In relation to transparency and accountability in a broader sense, the AEC submissions to the JSCEM's 2013 federal election inquiry will be consistent with its approach to previous inquiries in including detailed reporting on its delivery of election services and election activities.
- 6.10 Improvements to various administrative provisions in the *Commonwealth Electoral Act 1918*.
- 6.10.1 In addition to the specific recommendations outlined above, the ANAO Audit Report No. 28 also mentioned several refinements to administrative provisions in the Electoral Act that could benefit from review. Appendix H details these and the AEC's response.

Appendix A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions that have impacted on the AEC from 1996 Federal Election to 2013 Federal Election

Term	Parliamentary Committee	Inquiry Held	Period of Inquiry
43 rd Parliament (5 Aug 2013 - 28 Sept 2010)	Constitution Alteration (Local Government) 2013 (Status: Not proceeded, passed by both Houses 24 June 2013)		
	Referendum (Machinery Provisions) Amendment Act 2013 (No. 34, 2013, assented 17 May 2013)		
	Electoral and Referendum Amendment (Improving Electoral Administration) Act 2013 (No. 26, 2013, assented 28 March 2013)		
	Electoral and Referendum Amendment (Improving Electoral Procedure) Act 2013 (No. 19, 2013, assented 27 March 2013)		
	Senate Standing Committee on Finance and Public Administration	Inquiry into the Citizen Initiated Referendum Bill 2013	14 March 2013 – 24 June 2013
	Privacy Amendment (Enhancing Privacy Protection) Act 2012 (No. 197, 2012, assented 12 December 2012)		
	Joint Standing Committee on Electoral Matters	Inquiry into the Electoral and Referendum (Improving Electoral Administration) Bill 2012	29 November 2012 - 27 February 2013
	Joint Select Committee on Constitutional Recognition of Local Government	Inquiry into the Constitutional Recognition of Local Government	1 November 2012 – 7 March 2013
	Electoral and Referendum Amendment (Protecting Elector Participation) Act 2012 (No. 111, 2012, assented 24 July 2012)		
	Electoral and Referendum Amendment (Maintaining Address) Act 2012 (No. 110, 2012, assented 24 July 2012)		
	Joint Standing Committee on Electoral Matters	Inquiry into the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012	28 June 2012 - 16 August 2012
	Joint Standing Committee on Electoral Matters	Inquiry into the AEC analysis of the FWA report on the HSU	16 May 2012 - 20 September 2012

Appendix A to Attachment A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions

	Joint Standing Committee on Electoral Matters	Inquiry into the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012	16 February 2012 - 19 March 2012
	Joint Standing Committee on Electoral Matters	Inquiry into the Electoral and Referendum Amendment (Maintaining Address) Bill 2011	24 November 2011 - 13 March 2012
	Joint Standing Committee on Foreign Affairs, Defence and Trade	Inquiry into Australia's Overseas Representation	13 October 2011 – 29 October 2012
	House of Representatives Standing Committee on Regional Australia	Inquiry into the use of "fly-in", "fly-out" and "drive-in", "drive-out" workforce practices in regional Australia	23 August 2011 – 13 February 2013
	Acts Interpretation Amendment Act 2011 (No. 46, 2011, assented 27 June 2011)		
	Electoral and Referendum Amendment (Provisional Voting) Act 2011 (No. 37, 2011, assented 26 May 2011)		
	Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Act 2011 (No. 29, 2011, assented 25 May 2011)		
	Joint Standing Committee on Electoral Matters	Inquiry into the funding of political parties and election campaigns	11 May 2011 - 9 December 2011
	Statute Law Revision Act 2011 (No. 5, 2011, assented 22 March 2011)		
	Joint Standing Committee on Migration	Inquiry into Multiculturalism in Australia	9 February 2011 – 18 March 2013
	Joint Standing Committee on Electoral Matters	Inquiry into the conduct of the 2010 Federal Election and matters related thereto	23 November 2010 - 7 July 2011

Appendix A to Attachment A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions

FEDERAL ELECTION HELD - 21 AUGUST 2010			
High Court of Australia: <i>Rowe & Anor v Electoral Commissioner & Anor</i> [2010] HCA 46, declared 6 August 2010			
42 nd Parliament (19 July 2010 - 12 Feb 2008)	Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010 (No. 110, 2010, assented 14 July 2010)		
	Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010 (No. 109, 2010, assented 14 July 2010)		
	Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Act 2010 (No. 108, 2010, assented 14 July 2010)		
	Senate Standing Committee on Finance and Public Administration	Inquiry into the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 and the Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010	2 June 2010 – 17 June 2010
	Joint Standing Committee on Electoral Matters	Inquiry into allegations of irregularities in the recent South Australian State Election	13 May 2010 – (Lapsed upon dissolution of 41st Parliament.)
	Statute Law Revision Act 2010 (No. 8, 2010, assented 1 March 2010)		
	Joint Standing Committee on Electoral Matters	Inquiry into the NSW Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009	1 December 2009 - 25 February 2010
	House of Representatives Standing Committee on Legal and Constitutional Affairs	Inquiry into the Machinery of Referendums	10 September 2009 - 11 December 2009
	Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 (No. 70, 2009, assented 8 July 2009)		
	Fair Work (State Referral and Consequential and Other Amendments) Act 2009 (No. 54, 2009, assented 25 June 2009)		
	Same-Sex Relationships (Equal Treatment in Commonwealth Laws- General Law Reform) Act 2008 (No. 144, 2008, assented 9 December 2008)		

Appendix A to Attachment A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions

	Statute Law Revision Act 2008 (No. 73, 2008, assented 3 July 2008)		
	Joint Committee of Public Accounts and Audit	Inquiry into the effects of the ongoing efficiency dividend on smaller public sector agencies	4 June 2008 - 4 December 2008
	Joint Standing Committee on Electoral Matters	Inquiry into the conduct of the 2007 federal election and matters related thereto	27 February 2008 - 22 June 2009
FEDERAL ELECTION HELD – 24 NOVEMBER 2007			
41 st Parliament (17 Oct 2007 - 16 Nov 2004)	Commonwealth Electoral Amendment (Democratic Plebiscites) Act 2007 (No. 157, 2007, assented 24 September 2007)		
	High Court of Australia: <i>Roach v Electoral Commissioner</i> [2007] HCA 43, declared 30 August 2007		
	Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2007 (No. 52, 2007, assented 12 April 2007)		
	Joint Standing Committee on Electoral Matters	Inquiry into certain aspects of the administration of the Australian Electoral Commission	28 March 2007 - 18 September 2007
	Electoral and Referendum Legislation Amendment Act 2007 (No. 22, 2007, assented 15 March 2007)		
	Australian Citizenship (Transitionals and Consequential) Act 2007 (No. 27, 2007, assented 15 March 2007)		
	Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006 (No. 170, 2006, assented 12 December 2006)		
	Senate Standing Committee on Finance and Public Administration	Inquiry into the provisions of the Electoral and Referendum Legislation Amendment Bill 2006	7 December 2006 – 20 February 2007
	Senate Standing Committee on Foreign Affairs, Defence and Trade	Inquiry into Australia's involvement in peacekeeping operations	8 November 2006 – 1 August 2008

Appendix A to Attachment A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions

	Electoral and Referendum (Electoral Integrity and Other Measures) Act 2006 (No. 65, 2006, assented 22 June 2006)		
	Joint Standing Committee on Electoral Matters	Inquiry into civics and electoral education	24 March 2006 - 18 June 2007
	Administrative Appeals Tribunal Amendment Act 2005 (No. 38, 2005, assented 1 April 2005)		
	Joint Standing Committee on Electoral Matters	Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto	2 December 2004 - 10 October 2005
	Joint Standing Committee on Electoral Matters	Inquiry into disclosure of donations to political parties and candidates	(Re-referred at 41st Parliament on 30 November 2004.) - 31 March 2006
FEDERAL ELECTION HELD – 9 OCTOBER 2004			
40 th Parliament (31 Aug 2004 – 12 Feb 2002)	Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004 (No. 123, 2004, assented 16 August 2004)		
	Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004 (No. 115, 2004, assented 13 July 2004)		
	Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004 (No. 78, 2004, assented 23 June 2004)		
	Commonwealth Electoral Amendment (Representation in the House of Representatives) Act 2004 (No. 34, 2004, assented 20 April 2004)		
	Joint Standing Committee on Electoral Matters	Inquiry into disclosure of donations to political parties and candidates	4 March 2004 - (Lapsed upon dissolution of 40th Parliament.)
	Commonwealth Electoral Amendment (Members of Local Government Bodies) Act 2003 (No. 144, 2003, assented 17 December 2003)		
	Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003 (No. 140, 2003, assented 17 December 2003)		
	Joint Standing Committee on Electoral Matters	Inquiry into representation of the Territories in the House of Representatives	9 July 2003 - 1 December 2003
	Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002 (No. 105, 2002, assented 14 November 2002)		

Appendix A to Attachment A: Indicative list of Parliamentary Committee Inquiries, legislative amendments and High Court decisions

	Joint Committee of Public Accounts and Audit	Inquiry into the Management and Integrity of Electronic Information in the Commonwealth	October 2002 – 1 April 2004
	Commonwealth Electoral Amendment Act (No. 1) 2002 (No. 81, 2002, assented 10 October 2002)		
	Joint Standing Committee on Electoral Matters	Inquiry into the 2001 Federal Election and matters related thereto	May 2002 - 24 June 2003
	Joint Standing Committee on Electoral Matters	Review of Audit Report No. 42 of 2001-02, Integrity of the Electoral Roll	16 May 2002 - 11 November 2002
	Joint Standing Committee on the National Capital and External Territories	Inquiry into Norfolk Island Electoral Matters	(Re-referred at 40th Parliament on 7 May 2002.) – 26 August 2002
FEDERAL ELECTION HELD – 10 NOVEMBER 2001			
39 th Parliament (8 Oct 2001 – 10 Nov 1998)	Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001 (No. 159, 2001, assented 1 October 2001)		
	Finance and Administration Legislation Amendment (Application of Criminal Code) Act 2001 (No. 109, 2001, assented 17 September 2001)		
	Corporations (Repeals, Consequential and Transitionals) Act 2001 (No. 55, 2001, assented 28 June 2001)		
	Electoral and Referendum Amendment Act (No. 1) 2001 (No. 34, 2001, assented 28 April 2001)		
	Senate Standing Committee on Finance and Public Administration	Inquiry into bills concerning political honesty and advertising	29 November 2000 – 29 August 2002
	Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 (No. 137, 2000, assented 24 November 2000)		
	Joint Standing Committee on the	Inquiry into Norfolk Island Electoral Matters	1 November 2000 – (Lapsed upon

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	National Capital and External Territories		dissolution of 39th Parliament.)
	Commonwealth Electoral Amendment Act (No. 1) 2000 (No. 126, 2000, assented 26 October 2000)		
	Joint Standing Committee on Electoral Matters	Inquiry into Electoral Funding and Disclosure	August 2000 - (Lapsed upon dissolution of 39th Parliament.)
	Joint Standing Committee on Electoral Matters	Inquiry into the Integrity of the Electoral Roll	23 August 2000 - 18 June 2001
	House of Representatives Standing Committee on Legal and Constitutional Affairs	Inquiry into the Privacy Amendment (Private Sector) Bill 2000	21 April 2000 – 26 June 2000
	Public Employment (Consequential and Transitional) Amendment Act 1999 (No. 146, 1999, assented 11 November 1999)		
	REFERENDUM HELD – 6 NOVEMBER 1999		
	Constitution Alteration (Establishment of Republic) 1999 (Status: Not proceeded, third reading agreed 12 August 1999)		
	Constitution Alteration (Preamble) 1999 (Status: Not proceeded, third reading agreed 12 August 1999)		
	Electoral and Referendum Amendment Act (No. 1) 1999 (No. 134, 1999, assented 13 October 1999)		
	Referendum Legislation Amendment Act 1999 (No. 22, 1999, assented 19 April 1999)		
	Joint Standing Committee on Electoral Matters	Inquiry into the 1998 Federal Election and Matters Related Thereto	10 December 1998 - 26 June 2000
	FEDERAL ELECTION HELD – 3 OCTOBER 1998		
38 th Parliament	Electoral and Referendum Amendment Act 1998 (No. 94, 1998, assented 17 July 1998)		

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(31 Aug 1998 – 30 April 1996)	Financial Sector Reform (Consequential Amendments) Act 1998 (No. 48, 1998, assented 29 June 1998)		
	Senate Standing Committee on Finance and Public Administration	Inquiry into the Provisions of the Electoral and Referendum Amendment Bill (No. 2) 1998	27 May 1998 – June 1998
	House of Representatives Standing Committee on Legal and Constitutional Affairs	Inquiry into Aspects of Section 44 of the Constitution	25 January 1997 – 25 August 1997
	Joint Standing Committee on Electoral Matters	Inquiry into the Role of the AEC in Conducting Industrial Elections	3 October 1996 - 20 October 1997
	Joint Standing Committee on Electoral Matters	Inquiry into all aspects of the conduct of the 1996 federal election and matters related thereto	12 June 1996 - 16 June 1997
FEDERAL ELECTION HELD – 2 MARCH 1996			

Appendix B: BAC ANAO Register of the Review of Implementation of Audit Recommendations



BUSINESS ASSURANCE COMMITTEE

AUSTRALIAN NATIONAL AUDIT OFFICE (ANAO)

REGISTER

Review of the Implementation of Audit Recommendations

STATUS as at May 2013

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
FE07/1	High	The ANAO recommends that: a) engage with the Office of the Privacy Commissioner to develop improved governance arrangements for the collection, processing, data-matching, distribution and management of the personal information of electors and potential electors; and b) assess the extent to which broad use of electoral-roll information by non-government entities may be adversely impacting on the willingness of Australians to enrol to vote.	September 2012 REVIEW:AC Roll Management Branch: COMPLETED no further action proposed at this time.	<p>Recommendation to be closed - now completed. a) The AEC continues to work with the Privacy Commissioner (via the Office of the Australian Information Commissioner as it is now known) as required e.g. extensive consultation was undertaken in relation to the Direct Enrolment and Update reforms and in particular in developing the Privacy Impact Statement. The OAIC's Data Matching Guidelines are used as the basis for our practices and have been key in determining specific data handling arrangements for the direct enrolment and update implementation. Please however note that as part of the ongoing program management arrangements a number of aspects of data management and governance will be revisited as part of the Program's standard activities. For example, we are currently undertaking an audit of roll data products being distributed to recipients under s90B under the CEA. This includes reviews of existing governance and management practices. As part of the risk management arrangements for the Program, governance and data management practices will also be reviewed within the Branch during the 2013/14 financial year as part of the ongoing program evaluation/risk management model.</p> <p>b) Previous work, including the AEC commissioned Ipsos-Eureka research study examining the triggers for enrolment for those aged 18-39 years, has not identified any indications that there was any link between third-party use of electoral roll information and a disinclination for people to enrol to vote. This finding should be closed. Note however that there are two emergent issues for the AEC to manage in relation to adverse impact on electors relating to data. Public access to the electoral roll, particularly as a result of recent tightening of management arrangements in Divisional Offices, is giving rise to significant challenge by individuals using this data apparently for a variety of non-electoral purposes. Further exploration of these issues will be required in relation to the next JSCEM. Direct enrolment and update, based on monitoring of feedback, will also have an impact in relation to data use over time. At this stage there is a range of feedback from electors being directly enrolled that are either ideologically opposed to this arrangements, or are questioning the disclosure by third party data providers. Further consideration of these issues will be required. Note that through our existing complaints mechanism, or through these existing issues, there is no evidence</p>

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
				of elector concern with use of roll information by non-government entities.
FE07/2	High	To give a sound footing to Joint Roll Arrangements and to adhere to the greatest possible extent to the principles set out in the Australian Cost Recovery Guidelines, ANAO recommends that the AEC establish a sound basis for costing the maintenance and review of electoral rolls and the production of state and territory roll products.	September 2012 Review: AC Roll Management Branch: COMPLETED as per previous advice. Note a new cost model tool has been developed by RMB to support this process and roll products have recently been recosted with new charges applying since 1 July.	Recommendation to be closed - now completed.
FE07/3	High	ANAO recommends that the AEC, in consultation with the Australian Bureau of Statistics, expand and enhance the sampling methodology for undertaking habitation visits as part of its roll-management activities so as to: a) attain more reliable enrolment estimates at the state and territory level; b) accurately assess the state of enrolment in sparsely populated areas; c) deliver more reliable enrolment rates at the divisional level; and d) assist it to identify the key demographic characteristics of missing electors and resident non-citizens.	<p>31/01/13 AC, Roll Management: COMPLETED - ABS has provided advice regarding adjustments to the sampling methodology. AEC has considered this advice and determined due to funding and resource constraints (current and likely into the future) retention of existing scale of SAF is appropriate at this time. SAF is taking place in 2013 under the same methodology as used previously. RMB will consider further enhancements and/or alterations to the methodology as part of a focus on program integrity during the coming 12 months.</p> <p>September 2012 Review: AC Roll Management Branch: IN PROGRESS. ABS has provided reviewed the Sample Audit Fieldwork methodology via a consultancy. AEC is now considering the application of the recommended methodology within the Roll Program. Completion date December</p>	Recommendation to be closed - now completed.

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
			2012.	
FE07/4	High	To better target its efforts to improve the electoral roll, ANAO recommends that the AEC in consultation with relevant research bodies and the Australian Bureau of Statistics, formulate a program of research into elector enrolments and enrolment trends, with the view to identifying potential electors missing from the roll and the reasons why they may not be enrolling.	September 2012 - Strategic Capability Branch – CABER finalised its strategic research agenda in June 2011. The Advisory Board highlighted a number of research areas that would assist improvements to the electoral roll. As a result, the AEC has undertaken research to better inform management of the roll and elector communication activities. Research into “direct enrolment and update” has informed the design of the Federal direct enrolment and update process. Research into the use of social media has informed the design of communication strategies aimed at engaging with eligible citizens not on the roll. Further, ABS data are used extensively to track enrolment rates across different demographic groups and locations to inform enrolment and communication activities. More generally, the AEC’s research agenda remains focussed on contributing to the continuous improvement of electoral roll management.	Recommendation to be closed - now completed.
FE07/5	High	ANAO recommends that, in order to improve its election workforce planning and the selection, recruitment, training and performance evaluation of polling staff, the AEC: a) critically examine its future election workforce needs and workforce composition, setting goals for the training and retention of all	September 2012 REVIEW: AC People Services Branch: Further system enhancements and changes to business practice have been implemented since the last update at an operational level. As identified in an earlier report, there is liaison periodically with state electoral authorities, sharing of information where appropriate and scheduling contact activities around electoral events. The AEC registration of	Recommendation to be closed - now completed.

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
		election officials, including staff paid while held in reserve on polling day; and b) in consultation with other electoral authorities, seek to strengthen national employment strategies for the recruitment and training of key polling staff in advance of an election so that all polling booths have staff that have been consistently assessed for suitability and have been adequately trained.	interest will be enhanced to more clearly evidence the applicant's agreement to having their information shared with other electoral authorities.	
FE07/6	High	ANAO recommends that the AEC enhance the recruitment and training processes for polling-booth staff for future federal elections by: a) examining opportunities to increase the priority given to the recruitment of OIC in order to secure the best candidates that are available and provide them with sufficient training; and b) after the election, completing performance appraisals for staff and recording these in the relevant systems in order that this data can be used to inform and improve the recruitment practices for future electoral events.	September 2012 REVIEW: AC People Services Branch: a) As identified in the past the AEC does give this priority as a matter of practice. Staffing plans are developed and maintained so as to be "election ready". This includes keeping applicants' details up to date. The AEC will also improve information for all POs so that they stay abreast of key changes in electoral practice. b) In developing the staffing plans, divisional office managers will have referenced all pertinent information, including the performance appraisal undertaken in 2010 and/or 2007 stored in the system.	Recommendation to be closed - now completed.
FE07/7	High	ANAO recommends that the AEC: a) work with other Australian Government agencies that provide funding for the construction, upgrade or maintenance of	31/01/13: AC Elections Branch, I recommend that this action is marked as completed. The AEC's response to the ANAO report noted that this recommendation was agreed	Recommendation to be closed - now completed.

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
		<p>facilities that are, or may be, used as polling booths to identify opportunities to secure access to these facilities for electoral events as part of the funding arrangements; b) seek to implement standing arrangements with venue owners, particularly state governments, to secure suitable and accessible polling booths on just terms, with particular regard to the needs of the elderly and disabled, and the availability of premises in large rural divisions; c) negotiate the use of suitable Commonwealth-agency venues; in particular as pre-poll voting centres and fresh-scrutiny centres; and d) redevelop the strategic program of inspection of polling places to include systematic post-election evaluation and to identify improvements (where possible) of venues that are used as polling booths.</p>	<p>with qualification. It also noted that tying public funding to a contingent obligation to provide those facilities to the AEC on demand would require a government policy decision.</p> <p>The AEC already has formal arrangements in place with state-government venue owners, most notably Education Department schools, and some private sector organisations that control multiple polling place sites (for example independent schools). SMs share information with each other and new agreements are negotiated at State Office level as opportunities arise and where a common owner is identified for multiple polling place sites. It remains the case that many sites that are suitable for polling are single-owner and secured by DROs each event. This will continue to be a challenge for DROs in large rural electorates with a large number of polling places and State Office resources support DROs to undertake this election planning task.</p> <p>The ANAO recommendation came in part out of a large scale Commonwealth building program that was underway when this review was in progress. It remains the case that the greater majority of properties affected by that building program are under the control of State bodies and that the AEC already has central agreements in place for their use at election time. Very few Commonwealth owned properties are suitable for use as polling places because they do not match our requirements to cater for efficient voter flows and scrutiny arrangements. For this reason, schools and</p>	

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
			community halls will continue to be our major target for polling and scrutiny premises. Polling place reviews are undertaken in between elections to review accessibility and to review the market for the most suitable, available premises. The latest round of inspections was completed throughout 2012 and polling places that are used for the 2013 election have been assessed against the latest standards.	
FE07/8	High	ANAO recommends that the AEC: a) develop strategies to mitigate the risk to the credibility of election results posed by the current practices for reporting of election-night Totals by OIC; and b) identify and assess options for the storage and transport of completed ballot papers that provide greater physical security of ballot papers.	31/01/13 AC Elections Branch. This recommendation is completed. OIC materials have been updated to emphasise the importance of keeping ballot materials secure before, during and after polling. Parameters are already built into ELMS to warn divisional office staff on election night if the results phoned in are outside expected parameters. Any other incorrect results that might be phoned through on election night can be corrected at fresh scrutiny and again at the distribution of preferences.	Recommendation to be closed. The risks associated with this particular activity are covered in the Federal Election Risk Management Plan under Risk SFO2 - "Physical security of the completed ballot papers and certified lists is compromised adversely affecting results." The overall risk is rated as medium; and the Asst Commissioner Elections' assessment of this particular component of that risk, given the controls that are in place, is at the lower end of the medium.
FE07/9	High	ANAO recommends that, in order to provide transparent and accountable reporting on the conduct of elections, the AEC develop comprehensive performance standards for the conduct of elections and, following the conduct of each election, report to Parliament on the extent to which these standards have been met.	31/01/13 AC Elections Branch: This recommendation is in progress. The Elections Branch has secured a graduate for placement 1 in 2013 to review performance standards that apply for other jurisdictions, including the UK, and propose a set of standards for AEC Returning Officers. It is anticipated that this work will be taken up by the Learning and Development Subcommittee as part of broader capacity building at the Returning Officer level.	Recommendation to be closed - now completed.

Appendix B to Attachment A: BAC ANAO Register of the Review of Implementation of Audit Recommendations

Rec No	Priority	Recommendation	Comments	Recommended Action as at May 2013
			Note that broader performance reporting occurs after each election via the AEC's election evaluation plan. Public scrutiny occurs via JSCEM review, Senate Committee review and various reports and publications that are released by the AEC, such as informality survey and the Election Pocketbook.	

Appendix C: AEC Business Assurance Committee alignment with ANAO *Better Practice Guide Public Sector Audit Committees*

1 AEC's Audit Committee

- 1.1 The AEC has made significant progress since 2007 in enhancing its governance framework to achieve the "gold standard" characteristics of an Audit Committee as identified by the ANAO at the JSCEM hearing on 6 February 2014.
- 1.2 The AEC's Audit Committee, known as the Business Assurance Committee (BAC) has an important role in the governance framework of the AEC by providing an independent source of assurance and advice to the Electoral Commissioner.
- 1.3 BAC in providing a tailored assurance solution for the AEC has developed key strengths in:
- its independence, objectivity and ability to work with AEC management to help drive the reform agenda of the Electoral Commissioner in the modernisation of the AEC's governance frameworks, operations and service delivery; and
 - in the skills and abilities of the members and invitees, including representatives of the Australian National Audit office (ANAO) to critically examine and advise on the AEC's operations, governance, risks and financial statement responsibilities.
- 1.4 Areas where BAC has assisted the AEC to develop greater consistency and drive reform include:
- the development of the discipline of risk management to improve accountability and inform decision making;
 - improvements to the AEC's approach to fraud control, including by the establishment of the Fraud Control Committee (FCC) as a standing committee to BAC and a Fraud Control Plan with an agreed definition of electoral fraud;
 - the establishment of a credible business continuity and disaster recovery framework;
 - better transparency over the implementation of audit recommendations;
 - revision of the Internal Audit Charter and Protocols to improve the efficiency and effectiveness of the internal audit function;
 - embedding whole of government reforms around procurement and contract management.
- 1.5 Overall, BAC has made a major contribution to the governance frameworks of the AEC, by operating in accordance with the Financial Management and Accountability Regulation 22C and the *Australian National Audit Office (ANAO) Better Practice Guide Public Sector Audit Committees*, August 2011.

Better Practices of the Business Assurance Committee

1.6 A focus for BAC has been to fulfil its Charter through the better practices recommended by the ANAO for Audit Committees as detailed below.

1.7 Charter

ANAO Better Practice Attribute: "Has a clearly documented charter that: has been determined having regard to relevant legislative requirements and the entity's broader corporate governance framework; includes the committee's responsibilities; and is approved by the Chief Executive/Board."

1.7.1 BAC's Charter is structured on the recommended ANAO model audit committee charter and is reviewed annually and was last amended on 2 December 2013 to provide BAC with the necessary authority, objectives and responsibilities to provide independent assurance advice to the Electoral Commissioner.

1.7.2 The BAC Work Plan is adjusted annually to ensure that all matters in the Charter are considered by BAC.

1.8 Expertise

ANAO Better Practice Attribute: "Possesses broad business, financial management and public sector experience and expertise."

1.8.1 BAC has maintained a broad range of relevant knowledge and skills through the appointment of independent members from 13 December 2007 and Chairperson from 1 January 2012.

1.8.2 In January 2012 Mr Tom Rogers, Deputy Electoral Commissioner was appointed as the BAC Deputy Chair to provide expertise on the functions and operations of the AEC.

1.8.3 With the exception of the 20 June 2011 BAC meeting an independent BAC member has attended every BAC meeting held since 2007.

1.8.4 Representatives from the ANAO have been invited to attend every BAC meeting held since 2007, with the exception of the 17 June 2010 meeting. ANAO representatives have attended every BAC to which they were invited since 2007, except for the 13 December 2007 and 14 March 2013 BAC meetings

1.9 Relationship Management

ANAO Better Practice Attribute: "Has a sound working relationship with the Chief Executive/Board."

1.9.1 BAC has developed a close working relationship with the AEC Executive Management Group (EMG) including by:

- the attendance from February 2012 of Mrs Morison, BAC Chair at Executive Management Group (EMG) meetings to present a summary of the outcomes of every BAC meeting;
- the attendance of the Electoral Commissioner at selected BAC meetings to discuss priorities;
- regular meetings between the BAC Chair and Electoral Commissioner; and
- the provision of BAC meeting minutes and an annual report on BAC activities and outcomes for 2012 and 2013 (still in draft) to the Electoral Commissioner.

1.10 Autonomy

ANAO Better Practice Attribute: "Is able to exercise discretion in determining how best to meet its responsibilities."

1.10.1 The annual review of the BAC work plan provides a formal opportunity for BAC to determine how it can best meet it can meet its objectives and responsibilities, including the priorities of the Electoral Commissioner.

1.10.2 BAC continues to seek innovative ways to meet its responsibilities, including by inviting audit sponsors to attend BAC meetings to provide advice on the implementation status of audit recommendations.

1.11 Independence

ANAO Better Practice Attribute: "Adopts an independent perspective and appreciates the separation of management and Audit Committee responsibilities."

1.11.1 The appointment by the Electoral Commissioner of external BAC members demonstrates a commitment to the provision of independent advice that is not a management perspective.

1.11.2 Details of the appointments made to BAC of external members since 2004 is as follows:

- NSW Electoral Commissioner, BAC member 15 November 2004 to 21 August 2007;
- Independent contractor from Loch Group Pty Ltd, BAC member 13 December 2007 to 21 March 2011; and

- Independent contractor from Morison Consulting, BAC member from 1 July 2011 and BAC Chair, from 1 January 2012 to present.

1.11.3 BAC's Charter clearly articulates that it has no management responsibility, but is required to provide independent assurance advice to the Electoral Commissioner.

1.12 Knowledge & Risks

ANAO Better Practice Attribute: "Is knowledgeable about the entity's operations, particularly the entity's risks and the arrangements in place for the management of these risks."

1.12.1 BAC has maintained a consistent and comprehensive knowledge the AEC's operations and risks through the appointment to relevant AEC Senior Management and external members.

1.12.2 BAC's Work Plan modelled on the recommended ANAO model audit committee charter provides the opportunity to critically examine the AEC's response to emerging or realised risks (refer 2.1 Charter).

1.12.3 A focus of BAC has been the development of the AEC's risk management framework to provide a greater contribution to the accountability and decision making structures of the AEC through the endorsement, throughout 2013, of:

- a revised Risk Management Policy to provide the structures, methodology and culture within which risk is managed in the AEC;
- a revised Risk Assessment and Mitigation Handbook to provide staff with the resources to identify, manage and mitigate risks;
- a SharePoint based risk register template for consistent management and reporting of risk assessments and treatments;
- the AEC 2013-14 Strategic Risk Management Plan providing the framework for the management of those risks that if realised would result in a significant disruption to the AEC's strategic goals and objectives; and
- a revised Fraud Control Plan 2013-15, informed by a fraud risk assessment and including for the first time a definition of electoral fraud.

1.12.4 BAC has been kept informed of emerging or realised risks through consideration of selected risk management plans, internal audit reports, the Keelty Report, and briefings provided by ANAO representatives.

1.12.5 BAC has continued to adjust the AEC's internal audit plan to respond to emerging or realised risks.

- 1.12.6 Over 2014 BAC will continue to support a closer alignment of risk management with business planning processes and improvements proposed to risk management reporting to the Executive Leadership Team and Executive Management Group.

1.13 Chairperson

ANAO Better Practice Attribute: "Is chaired by a person who is able to lead discussions, encourage the participation of other members, and conduct meetings in an effective manner."

- 1.13.1 On 1 July 2011 Mrs Jenny Morison was appointed to BAC as an independent external member and attended her first BAC meeting on 22 August 2011 in this capacity. On 1 January 2012 Mrs Morison was appointed as the first independent external chair of BAC, reflecting the Electoral Commissioner's commitment to the reform of the AEC and the operations of BAC.
- 1.13.2 Mrs Morison is highly experienced independent external member of Audit Committees and has been effective in bringing a renewed focus on a range of compliance matters, the disciplines of risk management and on the implementation of audit recommendations.

1.14 Communication

ANAO Better Practice Attribute: "Encourages and maintains an open and constructive dialogue with senior management, internal and external audit, and other committees."

- 1.14.1 BAC has established a range of measures to encourage an open and constructive communication with key stakeholders, including:
- briefing the Executive Management Group and seeking their feedback on the outcomes of all BAC meetings;
 - inviting representatives from the ANAO to attend BAC meetings;
 - providing the minutes of every BAC meeting and an annual report to the Electoral Commissioner;
 - inviting audit sponsors to BAC meetings to provide an update on the implementation of audit recommendations or leaders of other management committees or teams to provide a briefing on their activities; and
 - provision of the minutes and outcomes of meetings of the Fraud Control Committee (FCC) a standing committee to BAC.

1.15 Planning

ANAO Better Practice Attribute: “Effectively plans its activities to meet its responsibilities; focuses on the important issues and risks; is forward-looking; and adopts a continuous improvement approach in its interaction with entity management.”

1.15.1 BAC has a comprehensive and structured planning process to inform its work, including:

- a Charter is structured on the recommended ANAO model audit committee charter⁴¹ that is reviewed annually; and
- a work plan that is adjusted annually to ensure that all matters in the Charter are considered by BAC and is responsive to any emerging issues.

1.15.2 Significantly, over 2012 and 2013 BAC considered every item on the BAC annual work plan, including key responsibilities such as risk management, internal control, financial statements, legislative and policy compliance and audit.

1.16 Implementation of audit recommendations

ANAO Better Practice Attribute: “Monitors the implementation of recommendations made by internal and external audit and other review activities.”

1.16.1 BAC has initiated a range of improvements to the way audit recommendations are monitored and reported, including:

- reducing the scope for delays in completing audits by eliminating unnecessary consultation;
- ensuring that the follow-up of previous audit recommendations is a part of all internal audits conducted;
- placing time limits on audit processes, e.g. audits are expected to be completed within 20 weeks of the agreed assignment plan;
- inviting audit sponsors to attend BAC meetings to provide advice on the implementation status of overdue audit recommendations;
- on 28 October 2013 the introduction of a revised Internal Audit Charter and associated Protocols to improve the efficiency and effectiveness of the audit function, including the requirement to place obligations on management and staff to comply with indicative timeframes for key audit processes; and
- provision of advice to the AEC's executive on any outstanding audit recommendations approach 18 months overdue;

⁴¹ Ibid, page 59-66 Model Audit Committee charter – FMA entity

- the introduction of Sharepoint solution to provide greater transparency over the implementation of audit recommendations;
- a standing agenda item at each BAC meeting on the implementation of audit recommendations, including an extract from the AEC's internal audit recommendations register.

1.16.2 Significantly, representatives from the ANAO are provided with the all BAC agenda item papers, including on the implementation of audit recommendations.

1.17 Audit coverage

ANAO Better Practice Attribute: "Ensures internal audit coverage: is aligned with the entity's risks; is an appropriate mix of performance and compliance audits; and includes a focus on the areas of greatest risk."

1.17.1 The internal audit function operates with the authority of the Electoral Commissioner and is authorised to have full, free and unrestricted access to all functions, premises, assets, personnel, systems, records or documentation necessary to perform its function.

1.17.2 To support the internal audit function BAC has adopted a rigorous approach to the development of the internal audit plan that must take into account:

- outcomes of previous audit activity;
- planned ANAO coverage;
- the AEC's enterprise risks;
- outcomes of any parliamentary reports or reviews;
- new policies, projects or programs; and
- the objectives of strategic and national business plans.

1.17.3 The AEC's auditors in consultation with AEC Management and BAC develop the Annual Internal Audit Plan (IA Plan) for the forthcoming financial year for approval by the Electoral Commissioner and commencement on 1 July.

1.17.4 The IA Plan includes audit topics, objectives, type, priority, schedule, estimated cost and the Audit Sponsor allocated to each audit.

1.17.5 The IA Plan is made available to the AEC's Executive Management Group and a summary is provided for staff on the AEC intranet.

1.17.6 At each BAC meeting consideration is given to any necessary adjustments to planned internal audit coverage to ensure it aligns with the priorities and risks of the AEC, including upcoming electoral events.

1.17.7 Significantly, ANAO representatives at each BAC meeting have the opportunity to provide any comments or views on the AEC's audit coverage.

1.17.8 On 1 July 2013 for an initial three year period, PricewaterhouseCoopers and McGrath Nicol replaced KPMG as the contracted internal auditors for the AEC. The contract was agreed under the terms of the Deed of Standing Offer established by the former Department of Resources, Energy and Tourism.

1.17.9 The arrangement where the AEC has access to two auditing firms provides an increased capacity and capability for the AEC's audit function.

1.18 Support

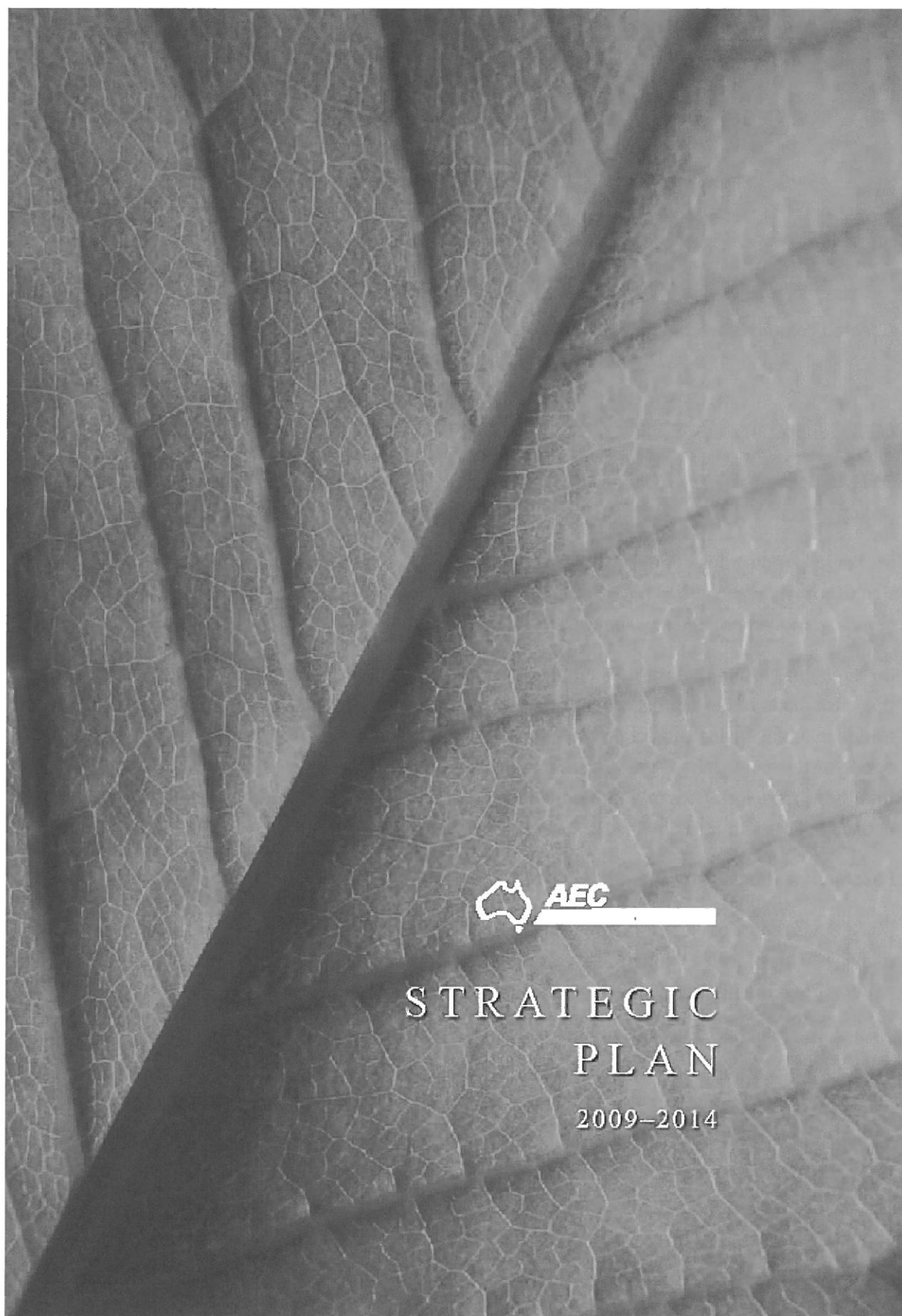
ANAO Better Practice Attribute: "Receives an appropriate level of support and provides committee members sufficient opportunities to keep abreast of key developments in the entity and the public sector generally."

1.18.1 The Electoral Commissioner has established a high level of support for BAC through:

- the appointment of an external independent Chair of BAC;
- approving the BAC Charter providing the authority for BAC, within its responsibilities to:
 - obtain any information it requires from any employee or external party (subject to any legal obligation to protect information);
 - discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
 - discuss any matters with the AEC's internal audit service providers, or other providers, including fraud and code of conduct investigators (subject to confidentiality considerations);
 - request the attendance of any employee at BAC meetings; and
 - obtain legal or other professional advice, as considered necessary to meet its responsibilities.
- approving the Internal Audit Charter providing the authority for BAC through the internal audit function to provide an independent and objective review and advisory service to the Electoral Commissioner to assist the AEC meet its goals and objectives.

1.18.2 All BAC members are provided with an induction package and the opportunity to undertake any development opportunities necessary.

Appendix D: AEC Strategic Plan 2009-2014



Appendix E: Examples of Commissioner's Columns

Selected Commissioners Columns

- The Western Australia Senate recount and the Keelty report
- Election preparations and environment
- Priorities following the 2010 federal election.

The Western Australia Senate recount and the Keelty report

Selected columns: October to December 2013

Keelty report released

Friday 6 December 2013 Today the AEC released the report by Mr Mick Keelty AO inquiring into the circumstances of 1370 ballot papers lost in the recount of Western Australian Senate votes.

Mr Keelty's report does not provide easy reading for any of us working at the AEC. It brings to light significant failures in some of our processes and procedures – in particular, inadequacies in the handling, movement and storage of WA Senate ballot papers.

Mr Keelty has found that these failures not only increased the risk of ballot papers being mislaid, they also made it more difficult to accurately determine how the ballots went missing. He found no evidence of any deliberate action to destroy or remove ballot papers, but he also notes that failures of our systems in WA have made it difficult for him to reach a definite conclusion on this point and that there were instances of poor handling practices and a failure to keep used ballots separate from unused ballots and other materials, including waste materials.

Recommendations

Mr Keelty's report makes 32 recommendations relating to logistics management, contract management, processes and procedures, ballot paper security and AEC culture, as well as a range of general recommendations. These include:

- the implementation of best practice material management policies and systems covering all aspects of ballot paper movement and storage and consistent with the long term sensitivity of ballots. Specific recommendations include introducing "tamper-evident" materials for the transfer and storage of ballot papers both to and from vote counting centres as well as for long term storage in warehouses. The installation of CCTV and alarms at warehouses is also recommended
- the introduction of controls for disposal of recycling or other materials to ensure that no ballot material is inadvertently lost
- that all relevant staff have skills in contract management and contract enforcement

- that the AEC's approach for the training of electoral staff (permanent and casual) ensure adequacy, national consistency, effectiveness, and the rigour of assessment measures, and
- that measures are implemented to ameliorate the pressures on staff arising from the expectation that all results will be known on polling day, and the logistical issues arising from the size of the Senate ballot papers.

The full (three-person) Australian Electoral Commission has now considered the report and accepted all Mr Keelty's recommendations in full.

Next steps

With the release of Mr Keelty's report, we can expect further public scrutiny and criticism but, as I wrote in my last column, there is no way the AEC can, or should, try to deflect these failings or hide from further scrutiny. Our task now is to look at the implications of the report for our work, understand what went wrong and ensure we all deliver better outcomes in the future.

I have therefore asked Deputy Electoral Commissioner, Tom Rogers, to lead an internal task force to immediately begin implementing Mr Keelty's recommendations. Discussions with transport and logistics providers have already commenced so that we can introduce industry best practice controls over the movement and control of ballots and other accountable items ahead of the Griffith by-election and a possible WA Senate election next year. There will also be a review of relevant AEC training materials and a review of ballot paper storage arrangements in all warehouses used by the AEC.

The AEC will also include Mr Keelty's report in its forthcoming submission to JSCEM, for consideration as part of its general inquiry into the 2013 Federal Election and related matters, and we will provide ongoing progress reports to the JSCEM regarding the implementation of Mr Keelty's recommendations.

We all have a part to play

The work ahead to reform our procedures and rebuild the AEC's reputation is significant. While Mr Keelty's report pertains to the situation in WA, our goal will be to ensure national consistency and best practice across the AEC and every AEC staff member will have a role to play – whether you work in a divisional office or larger work unit and play a hands on role in elections; whether you are a manager with oversight of AEC procedures and service delivery; or whether you work in national office and contribute to policy, training materials, operations manuals or other supporting functions.

As we work through the detail of implementing these reforms in coming weeks and months, we will continue to provide information about what will be required and what it will mean for us. To assist you in dealing with any enquiries that come through on this issue, guidelines will shortly be available on the AEC news page. If you have any questions or concerns about these issues in the meantime, please discuss them with your manager in the first instance. If questions arise that can't be immediately answered, I encourage all managers to refer these back to your state manager or your branch head for follow-up.

Supporting one another

I also want to acknowledge that these matters have potential to add to the general stresses and pressures of work that we all have to manage. Face-to-face conversations in our teams are a good first step in managing these stresses but we also have specific health and wellbeing strategies and supports in place, including our Employee Assistance Program. I encourage you to make use of these services if you feel the need.

Broader implications

Now that we have Mr Keelty's report, we can begin to move forward. We will certainly have our work cut out for us but these issues go to the heart of the broader program of reform I've been outlining over recent months and that I've spoken about at state election evaluation meetings. I see this including business changes to support the enrolment reforms we've already delivered, possible legislative reform to help us manage the increasing scale and volume of our election workload but also – and most importantly – a renewed focus on 'integrity through quality'. Mr Keelty's report goes to the heart of this last issue because it highlights how errors on our part can contribute to uncertain election outcomes and give the community cause to question what we do.

This is why – as I wrote during the election – the most crucial underpinning of successful election outcomes is a vigilant and committed AEC workforce. I have been encouraged by your commitment and contribution to the election evaluation meetings that have been occurring across the country, so I hope you will all now join with me in resolving to do all we can to implement the next wave of reform. I'm confident that we can become a better and stronger AEC by doing so and not only regain, but strengthen, the long-held trust of the Australian public in our capacity to deliver elections on their behalf.

WA Senate recount

Thursday 31 October 2013 Today we issued a media release announcing that the Western Australian Senate recount will shortly be completed. I would like to acknowledge the hard work and commitment of staff involved in the recount which was conducted under significant pressure and scrutiny.

Unfortunately, during the recount, we discovered that 1,370 ballot papers are missing. These ballot papers – all of which had been verified during the initial WA Senate count – could not be located, rechecked or verified in the recount process. They were classified as 1,250 formal above-the-line ballots and 120 informal votes. This loss has disenfranchised a significant number of WA voters, and has potential to damage the credibility of the election we have just conducted as well as the AEC's reputation.

Elections are extremely complex logistical exercises but this only reinforces the imperative to strive for 100% accuracy in our processes and their execution. We must now honestly and openly acknowledge that we haven't achieved the required level of accuracy in this instance and do all we can to ensure that this sort of thing never happens again.

For this reason, as I did after the irregularities in Boothby and Flynn in 2010, I am instigating an urgent, independent inquiry into the missing ballots. The inquiry will be conducted by Mr Mick Keelty AO APM, and the terms of reference will include:

- establishing the facts regarding the misplaced ballot papers
- identifying any administrative process and/or procedural failures that may have occurred, and
- providing recommendations to avoid similar issues in the future.

I have assured Mr Keelty that he will be able to call on whatever information, resources, and access to staff he needs to complete his inquiry. I am sure that everyone involved will give him the fullest cooperation.

Mr Keelty's report – which I have asked him to complete as a matter of urgency – will then be considered by the full Electoral Commission who will determine what actions need to be taken.

This will be challenging time for us, especially for staff in Western Australia. We will come under even further scrutiny and criticism, which is only to be expected under the circumstances. Your managers, and the AEC executive, are here to support you through this process so please don't hesitate to ask your manager questions or share your concerns. If we are to maintain the outstanding reputation of the AEC, it's important that we openly and honestly discuss our mistakes and acknowledge there are things we can do better.

Let us continue in this spirit and look on this as an important opportunity to build better processes for the future.

Election preparations and environment

Selected columns: January to September 2013

Looking to election day

Wednesday 4 September 2013 Election Day is almost upon us. While our election work will continue for several weeks, in many ways this one day symbolises for the nation the peak of our efforts to ensure every eligible Australian can participate in our democracy. I am sure we are all looking forward to it – with confidence and a positive sense of anticipation.

The past five weeks have been a tremendously busy time, and we've put enormous effort into meeting the requirements of our election timeline. These include successfully managing our largest ever Close of Rolls; fielding over 250 000 calls and emails from the public, as well as hundreds of media enquiries; processing a record 1.3 million postal votes and 1 million pre-poll votes; locking in over 8 000 polling centres and employing and training almost 74 000 polling officials to staff them. We've also monitored, managed and maintained the systems, processes and support services that enable all these things to happen. I encourage you all to reflect with pride on these achievements. They are a testament to the hard work of everyone at the AEC.

Of course we still have some way to go and we will continue our hard work on Saturday – many of us long into the night – and in the period following to ensure we deliver an accurate election result as quickly and openly as possible on behalf of all Australians. As usual we will be under intense scrutiny, which we acknowledge and welcome as an essential component of a free and fair election. As I've noted before, for a democracy to work, people have to have confidence in the electoral process and the outcome of elections.

This is why safeguarding integrity is so important and why I wrote at length on this subject in my last column. Already in this election there have been a couple of isolated incidents where failure to strictly adhere to procedure has – quite unintentionally – put ballots at risk of not being included in the count. So, as we draw closer to polling day, I want to emphasise once more the vital importance of ensuring you and your teams are familiar with required procedures – many of which are new for this election – and that all act in strict adherence with the Electoral Act. As I wrote previously:

Our ultimate goal is the delivery of a credible election where all stakeholders – voters, candidates and political parties, the media, and the international community – accept the result without question, at divisional, state and national level.

Ultimately, this can only be delivered through electoral services that are impartial, legal, accurate and transparent. Careful, faithful adherence to established procedures and the mandates of the Act should guide our conduct at every step. This includes the provision of impartial assistance to candidates and political parties, which gives us a measure of strength and reputation that we should be careful to guard.

As we work towards the significant milestone of election day, I trust that the imperative of integrity will continue to guide our efforts. My very best wishes to you all and my sincere thanks for your commitment and hard work.

Election Priorities

Thursday 15 August 2013 I congratulate everyone at the AEC on the smooth and efficient start we've made to the long anticipated 2013 election.

Week one achievements

Over the past week we've processed about 630 000 enrolment transactions – our largest ever Close of Rolls. More than 200 000 of these transactions were processed in the last two days alone and over 540 000 were online enrolments – confirming the strong upward trend in take-up of our online services and indicating a fundamental shift in the way we do business, from paper to electronic transactions. Most importantly, we have grown the roll and our participation rate now stands at 92.45% - the highest it has been since 2007. Since the 2010 election we have added more than 615 000 electors, with over 153 000 of those added in the Close of Rolls period.

We also opened 66 Election Service Centres across the nation, dealt with almost 160 000 phone calls via our call centre, confirmed over 7000 polling locations, received hundreds of candidate nominations and confirmed over 32 000 offers of employment, with many thousands more allocated. Throughout all this we have monitored our systems and processes closely and I am pleased to report that they have coped extremely well with all of these demands.

I have no doubt this outstanding start is largely due to the long and extensive program of preparation, remediation and modernisation that we've undertaken over the past three years. It is also due, in no small measure to the professionalism and dedication of all AEC staff. As I told participants at July's Election Preparation Conference, I feel very fortunate to be in the midst of such a dedicated group of election professionals, all working together towards election day and beyond.

Putting voters first

I believe our efforts, and the delivery of a successful election, are underpinned by three things. First and foremost are voters themselves and their simultaneous obligation and entitlement – the right and the responsibility to participate in our political democracy as enshrined in the Constitution and the Commonwealth Electoral Act.

This is the reason we have expended so much time, energy, money, reputation, and effort in getting people on the roll, getting them to turn out and vote, and assisting them to vote correctly. In a system where the state imposes an obligation on individuals to comply, it behoves administrators to make complying as easy as possible. To my mind, it makes no sense to do otherwise.

In many ways the AEC goes to extraordinary lengths to do this. A good example is the recent national – and international – media interest in our decision to supply plastic magnifying lenses to ensure everyone can read small print on crowded senate ballot papers. It was described as 'quirky' by one media spokesperson but, no matter how quirky it might appear, at the heart of our response is our keen focus on the elector and his or her ability to cast a vote successfully.

The effort we put into establishing polling places across the country is another example. In Australia we provide approximately one polling place for every 2 000 voters (in striking comparison to the United States for example, which provides approximately one polling place for every 12 000 voters). We do this to make voting as easy and accessible as possible and, because we allow people to vote in any of these locations, we then commit to the effort and expense of the declaration vote exchange in which over 22 000 packages, containing nearly 1.5 million ballot papers, criss-cross the country (and the world) back to their home division for counting.

One citizen centric initiative I am particularly proud of is our enhanced voting support services. These include our new Voting Information Officers, who will work to support Indigenous electors and those from culturally and linguistically diverse audiences. We also have a range of strategies in place to reach the homeless. Together these, and other targeted strategies, all represent a strong commitment to the marginalised in our society, whose democratic rights and obligations are in no way diminished simply because of their income, their language, their cultural background or necessitous circumstances.

Safeguarding the integrity of our processes and the election outcome

The second fundamental to a successful election is the principle of integrity. For a democracy to work, people have to have confidence in the electoral process and the outcome of elections. Ultimately, this can only be delivered through electoral services that are impartial, legal, accurate and transparent. The AEC has a good record here, and I'm looking forward to adding the 2013 election to that record. However, in light of the last hung parliament, the potentially close outcome of this election, and the irregularities experienced in 2010, we can expect more scrutiny in 2013 than ever before.

We should not be afraid of such scrutiny – indeed we should welcome it – but it only strengthens the imperative to reinforce and safeguard the integrity of our processes and the election outcome – a message that many of you are entrusted to convey directly to the thousands of temporary workers we employ during elections.

To achieve the highest standards of integrity, it is vitally important that we follow established procedures and act in strict adherence with the Electoral Act. This includes:

- polling place set up and then conduct of polling
- issuing of votes and reconciliation of ballot papers
- careful checking of ballot box seals and opening of ballot boxes
- conduct of scrutines and appropriate application of formality rules
- interaction with scrutineers so that procedures and decisions are clear and transparent
- timely and accurate recording of results
- ensuring we track and account for each of the 1.5 million declaration votes during the exchange and subsequent scrutiny processes.

Careful, faithful adherence to established procedures and the mandates of the Act should guide our conduct at every step. This includes the provision of impartial assistance to candidates and political parties, which gives us a measure of strength and reputation that we should be careful to guard.

Our ultimate goal is the delivery of a credible election where all stakeholders – voters, candidates and political parties, the media, and the international community – accept the result without question, at divisional, state and national level.

A vigilant and committed workforce

And this brings me back to where I began, the third crucial underpinning of a successful election – a vigilant and committed AEC workforce pursuing, not only the trifecta of enrolment, turnout and formality, but working long and hard to deliver a technically competent election, of a scale and complexity that most voters, and probably many MPs, don't really appreciate.

This group – all of you – represents the highest level of election professionals in Australia today. The strength of Australia's electoral process is manifest in your dedication to these vital tasks.

Collectively you demonstrate the true inner strength of Australia's democratic process. To everyone at the AEC, whether you are working at national, state or divisional level, my very best wishes to you all, and my sincere thanks for your hard work and commitment.

Election preparation update

Thursday 04 July 2013 Since my recent column on election preparation there has been another shift in the election planning landscape. The new Prime Minister has indicated that he will call the election at a time of his choosing which means we are no longer working to a set election date. Essentially, we have returned to the more usual election year scenario and must plan accordingly.

We know that the election must be held by 30 November but of course it can be called for any Saturday between five weeks from now and 30 November. The earliest the referendum can be held in conjunction with an election is 14 September, and it can be held in conjunction with an election at any of the following Saturdays up to 30 November.

What does all this mean for our planning? Essentially it means we should continue to do what we have been doing over the past couple of years: continue our enrolment stimulation and elector participation strategies, keep our focus on election readiness and bring as many preparations forward as possible while maintaining prudence in relation to those things that can only progress on Issue of Writ, such as locking in staff or polling premises.

The reversion to a 'business as usual' (BAU) scenario also means an extended election/referendum timetable, through to the end of the year, must again be factored into our planning – particularly in relation to things like ongoing staffing and leave arrangements.

The Executive Management Group met recently to discuss the implications of the reversion to BAU. We will be working to update previously published election timetables – such as timing of letters of offer to polling officials. A script for staff is also being drafted and will be published very shortly to help you answer election timing queries from the public. We will of course continue to provide

operational advice through our usual business networks as well as our corporate communication channels such as the AEC news page and the NPM Bulletin.

While an unknown election date puts us back in familiar territory, I am conscious there have been many twists and turns in this rather unique election year. Change and uncertainty can bring out the best in us but it can also take a toll. We need to do all we can to look after ourselves and each other through the coming months and there is a range of health and wellbeing supports in place to help us manage these demands.

I've been very impressed by the way everyone has risen to meet the various election and referendum planning challenges that have presented over the year. Thanks to the significant level of planning and preparatory work that has happened already across all areas of the AEC, we are more ready to deliver an election than we have perhaps ever been. This gives me enormous confidence as we go forward, as I hope it does for all of you.

Election preparation update

Tuesday 18 June 2013 With less than 100 days remaining until the election I'd like to give you an update on our preparations. Until very recently, we had been planning for a range of contingencies that had the potential to affect the conduct of the election. The situation is gradually becoming clearer and some of this contingency planning is no longer needed, but the environment remains dynamic. As with every election, we still need to be prepared to respond to a range of possibilities.

The referendum remains the most significant issue still to be resolved. Recent events indicate the most likely scenario remains a 14 September election in conjunction with a referendum. Legislation to alter the constitution to recognise local government passed the House of Representatives last week with overwhelming support and the Bill is scheduled for debate in the Senate on the morning of Wednesday 19 June. We continue our preparations accordingly.

If the Bill passes the Senate as expected, we plan to print referendum ballot papers before the end of June. Referendum training for AEC staff has already been released and training materials for polling official staff are in development.

ELMS Cycle Seven is now completed and election budgets will be released prior to 30 June. Additional resources are also being allocated to finalise polling official employment arrangements and HR help desks. The second election preparation workshop for Directors Operations and Operations Managers will be held in July.

Enrolment also remains a priority. The pre-election enrolment stimulation activities have commenced and national close of rolls advertising will commence on 28 July. This campaign takes advantage of a known election date and the natural motivation an election gives people to enrol or update their details. Another advantage we hope to achieve is an easing of our internal workload and pressure at the close of rolls. The 13 23 26 number will cut-over to the Department of Human Services contact centre on 29 July to further ease internal workload pressures.

The enrolment campaign is supported by some recent system upgrades including the roll out of electronic signature capture for online enrolment. The new system was launched by the Attorney-General earlier this week. This, along with changes to the online enrolment verification facility will make it easier for people to enrol online and check their enrolment details.

System capacity is also a focus this month with a range of testing underway or planned, including automated load testing and an enrolment processing test scheduled for 26 June. These tests complement the testing done last year and will provide additional assurance of our capacity to manage peak election workloads.

The next few months will be a demanding time for us all so I would like to conclude with a reminder about workplace health and safety (WHS). A range of WHS information is available on the intranet to provide you with practical support, and important WHS training for managers has been rolled out in Gateway. Please make use of these resources and complete necessary training to ensure you and your teams can manage the impact of this demanding period. Also be mindful that everyone in the AEC is under increasing pressure, no matter where they work or what their role. Courtesy and cooperation should characterise all our dealings with one another, especially in these busy times.

I will provide further preparation updates as we countdown to the announced election date. While there is still a lot to do to achieve our aim of a successful election, I'd like to thank you all once again for your continuing hard work and contribution.

Referendum announcement

Thursday 9 May 2013 Today the Government announced that it is planning to hold a referendum on recognition of local government in the Australian Constitution at the same time as the federal election planned for 14 September 2013. This plan is contingent upon passage of necessary legislation through the Parliament.

A referendum is a significant responsibility for the AEC to administer and one that will add a further dimension to our well-developed preparations for the election – perhaps now best referred to as the next federal 'event'. That said, we've been alert to the possibility of a referendum for some time and have taken all appropriate steps to prepare as much as possible, prior to a Government decision on the matter.

The AEC has sought and will receive the funding it requires to conduct the referendum, including funding for additional materials, additional polling official and temporary staff salaries and staff overtime. Funds will also be received to cover such things as production and delivery of the Yes/No case pamphlet.

Without understating the additional challenge, the underlying fundamentals of the coming event remain unchanged: we must still manage the same roll close as before, provide the same early voting options and arrangements, the same mobile polling program, and the same polling places. This is also true for our arrangements for other groups including overseas voters.

Our election timetable also remains unchanged with a planned election date of 14 September, issue of writ by 12 August, a roll close on 19 August, and the same timetable for nominations and early voting.

However, getting our adjusted procedures and training in place quickly is important. For example, we will all need to understand our role in handling and managing referendum ballots during the count on election night and in the weeks after. I am placing a high priority on having a clear understanding of these matters and ensuring appropriate procedures and training are in place.

Some of the things we have already commenced working on include:

- Paper requirements

We have already established that we will be able to comfortably source and print the additional materials we need, including ballot papers and the extensive requirements for the Yes/No pamphlet. State Managers and national office branch heads recently identified their paper needs and supplies in case of a referendum.

- Adjustment of training and procedures

Marie Neilson, National Program Manager Elections, and her team have commenced work to provide relevant training materials for ongoing and temporary staff, as well as for polling officials. Some materials are already in place, such as the scrutineers' handbook which includes content on referendum formality.

- Staff numbers and table loadings

To manage the increased workloads we intend to reduce ordinary table loadings in polling places from 600 to 500 and declaration table loadings from 120 to 110. This will result in some 4 000 additional polling official positions across Australia. A revised forecast will be run in ELMS to cater for the referendum and any updates required to forecasts and plans will be progressed over the coming weeks.

- The count

On election night we will count the referendum ballot papers after the count of House of Representatives first preferences, the Two Candidate Preferred count and the count of Senate ordinary votes. This reflects AEC policy and the community's desire to firstly know who will form Government, secondly have an early indication of the Senate result, and finally the likely result of the referendum.

In regard to counting, AEC policy remains that we count all ordinary votes on polling night. State Managers, Director Operations and Operations Managers will work with divisional staff to plan for and sufficiently resource the additional workload.

Additionally, we will draw together a small group of staff to act as a 'referendum reference group' to provide views and advice on particular questions that may arise as we prepare. In the meantime there is a short video on the AEC website that explains the basic processes involved in counting a referendum ballot. The ballot paper formality guide is also a useful reference.

Finally, clear and comprehensive communication within the AEC will be critical as we progress toward the coming event. I will continue to communicate directly with you on our preparations over the coming months and you will start to see referendum news and advice on the AEC news page, in

our National Program Managers' Bulletin, and other communications channels. The Election Menu on the intranet will also be updated to reflect referendum preparation and will provide a central location for both referendum and election information.

In the meantime, if you have any questions please discuss them with your manager, as your identification of issues is very important. Should you receive any media inquiries on the AEC's involvement in the referendum, please direct them to the national media unit.

I'm confident that if we approach the referendum with the same spirit of collaboration and professionalism that we brought to election readiness, we are well placed to meet the challenge and I thank you all for your ongoing contribution.

2013 Priorities

Wednesday 30 January 2013 An exciting and demanding year lies ahead of us as we enter the final phase of our three-year cycle and prepare to deliver the next federal election.

We are in a strong position thanks to a comprehensive program of systems and business reform and preparation, carried out over the past two years. The next six to nine months present an opportunity to consolidate this work. In particular, I am aware of the demands placed on staff during an election and the importance of doing all we can to ensure the next phase of planning and support is in place.

Election challenges revealed by our workforce profile

We know that this will be the first election for about 34% of all AEC staff. Approximately 53% of all staff will be working in new roles, many of these in the new context of Larger Work Units. In addition, about one third of staff in the critical roles of Divisional Returning Officer, Operations Manager and Director Operations are new to their role. In some states, such as New South Wales, a high proportion of these staff are also preparing for their first election. And in National Office, some 32% staff will be supporting election operations for the first time.

I also recognise that during the election, a large number of staff will switch from part-time (on average 20 hours per week) to full-time employment. Many will work extended work hours over each day, with the likelihood of weekend work in the weeks before and after polling day. Some staff will undertake extensive travel - within divisions, across divisions and across state borders - and many are parents or carers who will be juggling these demands with their other responsibilities.

Election challenges arising from new processes, systems and policies

This data highlights the ongoing importance of training and development for staff who are new or new to their role. But even for those of us with election experience, training and planning are a priority because the 2013 election will see the introduction of many new processes and systems. These include:

- changes to mobile polling, postal and provisional voting procedures, the format of how-to-vote cards and reinstatement provisions
- the trial of Electronic Certified Lists, and

- a return to a seven-day roll-close.

There are also new policies to be implemented including:

- establishing election service centres in 62 divisions across Australia
- new arrangements for blind and low vision voters
- new turn-out and formality strategies
- changes to the way we employ APS 1 staff and to other staff conditions under a new Enterprise Agreement, and
- ongoing enhancements to election support systems such as changes to AEC Employment, ELMS and RMANS.

There is also a possibility that further changes will be in place by the time the election is announced if Bills currently before parliament - the Improving Electoral Procedure and Improving Electoral Administration Bills - are passed.

In the context of these changes, everyone at the AEC could be said to be 'new' heading into the next election.

Learning and development is a priority

Learning and development has always been critical to our success. To this end, we've updated our election training programs and developed new ones to support new systems such as Online PVA and Federal Direct Enrolment and Update. These have been complemented by comprehensive simulations - such as last year's Simulated Election and Close of Rolls process test - designed to thoroughly test our systems and provide experience in election tasks and managing election workloads.

The latest step in our commitment to a strong learning and development program, is establishing a new Learning and Development Committee. One of the committee's first tasks is to build a snapshot of our current training program across national, state and divisional operations and determine whether we are on track to meet election requirements. This will be an important component of any larger audit of election readiness that we might undertake in coming months (as mentioned in my last column of 2012).

Robust planning is a priority

It is also important to refresh our planning at national, state and divisional office level prior to the election. There is no better way to assist our people than by having robust plans in place, so I ask all managers to continue to make this a priority. Please consider what your team requires, what you might need to update and what additional plans you may need to have in place. Staffing plans and rosters, training plans, team and project plans, risk mitigation plans - all will help to ensure we are fully prepared for both the expected, and the inevitable unexpected, challenges that will arise.

Revised HR delegations support broader decision making

To support managers, we recently completed a substantial revision of HR delegations. The new delegations better reflect our changing business model and empower more people to make more decisions. A guiding principle is that delegations should be exercised at the lowest possible level. This is very important during an election when we face a plethora of tasks and decisions. Sharing responsibility, exercising trust and empowering others to make these decisions is one way we can meet these demands more efficiently and effectively.

The broader picture

Our election preparation efforts are unfolding against a backdrop of other issues and priorities including the current tight APS budget position, the review of Funding and Disclosure, and the fact that we may yet be called upon to deliver a referendum. I'll write in more detail about some of these issues in future columns but they all reinforce my belief that it's vital we have programs in place to support all staff in meeting the challenges ahead.

By taking time now to consider learning and development needs and undertaking thorough planning, we will ensure that we can all look forward with a positive sense of anticipation to what is, for many of us, the most rewarding phase of our work. It's a time when everyone at the AEC pulls together with remarkable spirit to ensure we deliver the fullest expression of a healthy democracy: a free and fair election for all Australians. It's something we can be very proud of.

Priorities following the 2010 election

Selected columns: March 2011 to February 2012

2012 priorities

Last updated: 06 February 2012 (Electoral Commissioner)

In my end of year message I described 2011 as a year of remediation, preparation and modernisation. This work will continue, but I see 2012 as also a year of consolidation to embed the gains made over the past year. This work of consolidation will centre on a number of priorities and will be shaped by some key events and decisions in the next three months.

Election Preparation

The uncertainty of the timing of the next election meant it was absolutely imperative that we focussed on election preparation in 2011. We are now well advanced on election readiness. My thanks to all staff in national, state and divisional offices who have worked with focus and diligence to reach this position.

A lot of work has been done to remediate systems, establish and refresh contracts, locate paper stocks, prepare small materials, make initial contacts with polling officials and commence polling place inspections. Marie Neilson, Anne Bright and Doug Orr are reviewing election readiness and their review, as well as the Simulated Election, will guide further preparations over the remainder of this year. All of our involvement, including the Executive, in the simulated election due in the middle of the year will further guide our election preparation activities and help us focus on areas of risk.

2012: The Year of Enrolment

Lifting enrolment levels is a key component of our election preparation. Enrolment participation is currently 90.2%. Our objective is 95%. We estimate approximately 1.5 million eligible electors are not enrolled.

Enrolment stimulation activity over the last 12 months has been limited by our tight budget, however, I strongly believe our discretionary activity should focus on enrolment stimulation throughout 2012.

This is why we have designated 2012 as the Year of Enrolment and plan a series of low cost events to bring enrolment to the forefront of the public's mind. This package of events centres on commemorating two significant anniversaries: the centenary of compulsory enrolment and the 50th anniversary of the right of Indigenous Australians to vote.

More detail about the Year of Enrolment program will be available in the coming weeks and I ask that all staff get behind the spirit of the program, including developing your own local initiatives.

Subject to legislation, the most important enrolment priority for 2012 will be implementing a system of direct update of electoral roll details. This is a profound change to the way the AEC maintains the electoral roll. Your support for the new arrangements is key to its success.

Major projects

While considerable progress has been made against the priorities identified in 'Towards the Next Election', two areas are in need of continued effort:

- Improving the systems used for online training of polling officials. In this respect we continue to work with the provider of the online training system.
- The Electronic Transaction Management (ETM) project to reduce the large influx of emails into the AEC during an election. We now better understand the challenge. During the 2010 election, for example, emails had a range of attachments – 40% enrolment forms, 24% overseas notification forms, 7% postal vote applications and 2% polling official recruitment. To significantly reduce the number of emails to divisional offices it is clear we need electors to use Smartform rather than email, and we need an alternative for overseas notifications.

These are key systems priorities for 2012, as is the work to bed down the online PVA system and the Electronic Certified List project.

Key issues and dependencies

Our priorities in 2012 will be significantly shaped by key events and decisions over the next three months. These include:

- the potential passage of direct update legislation
- the Government's response to the 2010 election JSCEM recommendations, which potentially includes decisions on direct enrolment, and
- the Government's consideration of the expert panel reports on constitutional recognition of Indigenous Australians and local government.

Funding Review

Another factor that will shape our priorities is the outcome of the AEC funding review being conducted by the Department of Finance and Deregulation, with the assistance of Price Waterhouse Coopers (PWC). As I outlined last year, this review aims to determine an appropriate level of baseline and election specific funding for the AEC over the medium and longer term, that takes account of election and non-election cycles.

An initial report has been prepared and is now the subject of further review and consideration. At this stage, no outcomes or recommendations have been determined. The final outcome of the Funding Review is not likely to be publicly known until the Government's 2012–2013 Budget is brought down in May. I'd like to thank everyone who provided assistance during the information gathering stages last year.

State of the service

The Investing in Our People (IOP) Program remains a high priority for me. The Australian Public Service Commission (APSC) recently provided the latest AEC State of the Service report that has been used over the last three years to develop the IOP. The themes for the report were leadership and culture, human capital management, and organisational effectiveness. The results for the AEC are mixed. In some categories our results are similar to, or better than, the overall rating across the APS. In other categories, our results are worse.

We are now working with the APSC on how we can further shape the IOP to take account of the latest results. The EMG will meet with the APSC in late February and I will report back to you about State of the Service outcomes and our plans to address issues soon. In the meantime, we will continue with the suite of training and other learning programs, our popular reward and recognition programs and with efforts to create better careers through initiatives such as the larger work unit strategy. These will remain in place during 2012.

The year in review

Friday 16 December 2011 This time a year ago, the AEC had just completed a significant period of soul-searching following the 2010 election. Towards the next election, released early in the year, captured what we had learned and set out priorities for action. Over the year we have implemented this program through three important streams of work.

Firstly, we've carried out a significant program of remediation to address the procedural and system problems identified in the post 2010 election evaluation. In particular, the working parties for GENESIS and ORS/AECPay/Checkpoint have sought to ensure that these systems are fit for purpose. There is still work to do but it is good to see confidence in systems and procedures being restored as solutions and improvements are implemented. My thanks to all involved in this important work.

Secondly, election preparation is always an imperative for us but over the past year it has taken on a new significance due to the electoral implications arising from a hung parliament. This has placed an added pressure on all of us - one that may be with us for some time to come. We are now well advanced in our election planning but preparations will continue and will be further shaped by the Election Assurance Review to be conducted by Doug Orr and Marie Neilson early next year.

Thirdly, over the year we continued our program of modernisation driven by the need to implement reform, meet the public's expectations of increased online service options, and make it easier for electors to engage with us. As a result, a number of new systems have been, or are being, developed including Online PVA and Electronic Certified Lists. The pace of this work will only increase as new legislation, such as the Bill allowing direct update, shapes the way we do business and drives additional projects next year.

We are also implementing a number of important structural change and modernisation initiatives through the larger work units in a number of states to improve career paths and development opportunities for staff.

I am well aware that none of our strategic priorities can be achieved without the support and hard work of each of you. I thank you for all your work over the past year and the important contribution that each of you make to achieving our strategic goals.

I must also extend my special thanks to retiring Deputy Commissioner, Paul Dacey, for his enormous contribution to the AEC this year and over the past 27 years. Paul has helped to shape the AEC as it has grown and matured and he will be greatly missed. I'm aware that many of you have had an opportunity to personally thank Paul at a number of farewells held around the AEC in recent weeks but on behalf of us all I'd like to say once more: Thank you for everything Paul. We wish you, Jenny and your family, happiness and fulfilment as you embark on the next exciting chapter in your lives.

Finally, I wish all of you a safe and happy Christmas and New Year. Thank you again for all your efforts. I hope you all enjoy your well-earned break.

One year since the 2010 election

Friday 19 August 2011 Tomorrow marks one year since the 2010 election. I thought it was important we not let this date slip by without formally acknowledging both the extraordinary efforts of all staff during that time, as well as the considerable progress we have made since then to better prepare ourselves for the next election.

Looking back over the last 12 months reveals an impressive list of achievements for which we can all feel proud. The arduous post-election work is all but complete, and detailed national, state and divisional-level preparations for the next election are well in hand, driven by the ever-present prospect of an early election. The imperative continues to focus on election preparation.

Election systems

Improvements to our election systems' support have been made, especially in the important enrolment and polling official recruitment and training systems. I want to thank the various members of the working parties who have been instrumental in guiding those improvements, as well as the IT and business teams in national office that have responded quickly to ensure suggested improvements are in place, well ahead of the election. While there is still work to be completed at all levels, my discussions with staff in many divisional offices indicate that we are now in a much improved position and there is confidence in those systems.

Commonwealth Electoral Act (CEA) reform

Progress continues in the reforms made to the CEA just ahead of the 2010 election. Much of this work is outlined in the Towards the Next Election: Priorities for Action document I issued at the beginning of the 2011. The Executive Management Group reviews progress against these priorities regularly, but it is worth highlighting a few of those.

- Online update of electors details is well entrenched, and electors are increasingly transacting with us online.
- Provisional enrolment of 16 year olds, and passport detail verification, have been or are nearly finalised.

- Systems design and development work for the online Postal Vote Application system is on track for completion before the end of the year.
- Detailed work has commenced on the design and development of systems for electronic certified lists.

In both of these latter system developments, we have gone to considerable lengths to ensure staff who will use the systems are involved in the design and testing, including through the appointment of 'business assurance managers' to provide independent assessment of the work carried out.

Modernisation – JSCEM recommendations

Our strategic modernisation, collaboration and people agendas have also progressed. On the legislative front, our submissions to the Joint Standing Committee on Electoral Matters (JSCEM) about the lessons from 2010 election and the need for further reform of the CEA were well received. As we reported, the JSCEM made a number of recommendations for amendments to the CEA to provide further enrolment facilitation tools, such as direct update and direct enrolment of elector details based on data supplied by other government agencies.

These recommendations, along with other beneficial changes, will now be considered by Government. Thanks to all who worked on our submissions to JSCEM. It is vitally important to our modernisation agenda that reforms to the CEA continue.

Collaboration

Our collaborative initiatives continue with, for example, the Australian Taxation Office (ATO). From 1 July this year, we saw the introduction of a change of residential address facility provided through a hyperlink built into the ATO's e-tax system. We are well advanced in discussions with Australia Post for the use of its new online change of address notification service. The AEC receives more than 700 000 records each year from Australia Post's mail redirection service. The new, expanded service could allow electors to submit requests to update their address details for enrolment purposes via Australia Post.

Commissioner's Advisory Board on Electoral Research (CABER)

During the year I convened CABER, which comprises seven experts in the field of electoral matters. At its first meeting in April 2011, the board began to plan a research framework to meet the AEC's modernisation needs.

Education

The AEC also worked with the Australian Curriculum, Assessment and Reporting Authority to develop a national school curriculum on civics and citizenship. As part of our efforts, we plan to directly contribute to the delivery of the curriculum by developing online teaching materials for use in schools throughout Australia. We are also reshaping the Schools and Community Visits Program to shift the emphasis towards the conduct of authentic elections in schools.

Investing in our people

There is no doubt our pursuit of modernisation and collaboration creates an ambitious work agenda for the AEC. We can only make sound, timely progress towards this goal by making the best possible use of the talents and experience of our staff.

Throughout 2010–11, we continued the Investing in Our People program. The program better equips staff for current and future jobs in the AEC and recognises staff achievements wherever they occur. The results of the most recent Australian Public Service Commission employee survey revealed great improvements in AEC staff satisfaction over the previous 12 months. In particular, the survey showed pleasing results in work–life balance, job satisfaction, leadership, and learning and development.

I am proud of your great efforts to deliver first-class electoral services to all Australians over the past year. I am also proud of our collective commitment to building a modern electoral system that responds to the needs of electors and improves the exercise of the electoral franchise in Australia. I look forward to working with each of you over the next 12 months.

Towards the next election

Tuesday 15 March 2011 The AEC's recent submission to the Joint Standing Committee on Electoral Matters (JSCEM) provided an excellent opportunity to revisit the priorities that emerged from our post election review, outlined in Towards the next election. I understand there continues to be considerable discussion about the specifics of our individual and collective responsibilities in achieving these priorities, and I thank you for making the time to ensure your work reflects them.

The AEC's presentation to JSCEM set out two broad themes and although some of you will have read the Hansard from those proceedings, the themes are worthy of re-emphasis. Firstly, the nature and volume of workloads encountered by the AEC during an election period are changing and increasing, and are driven by elector preferences and overall numbers. Our submission proposes that these drivers be accommodated through legislative change to maintain good electoral practice. For example, by allowing online enrolment, and enabling electors to enrol up to and including polling day.

These recommendations are consistent with our emphasis on moving as much work as possible away from the election period. Success in this area will not only improve our service to the elector, but will ensure that AEC staff are better able to manage workloads over an entire election cycle. Our analysis of last minute enrolments shows that the more successful we are in building the roll in between elections, the more the number of last minute transactions will decrease. Maintaining and building the roll remains an ongoing challenge and priority for the AEC and one which we must continue to dedicate ourselves to as part of our election ready activities.

Secondly, the challenge to the health of Australia's electoral democracy posed by declining levels of elector engagement remains. In 2010, around 3 million eligible electors did not effectively exercise their franchise due either to failure to enrol, failure to turn up to vote or failure to cast a formal vote. For whatever reason, this now accounts for 20% of the overall franchise and is simply unacceptable if we are serious about maintaining our robust democracy.

These two broad themes continue to direct our everyday activities and I am pleased to report that several initiatives detailed in Towards the next election are already well underway. In particular:

- The AEC is currently developing online postal vote application functionality, with a target completion date of September 2011. With the potential to reduce our manual workload, this new system will enable an elector to securely submit an electronic PVA form to the AEC using any web-enabled device in Australia or overseas. The elector will receive confirmation that the AEC has received the form and will be able to track the status and cancel if necessary. Input to the system functionality and specifications is being actively sought through stakeholder interviews and the online PVA beta testing team (which is made up of representatives from divisional offices across all states). A beta team workshop will be held on 30 March 2011.
- The AEC and Australian Tax Office (ATO) are exploring opportunities, through the ATO's products, to promote correct electoral enrolment, particularly change of enrolment address. The AEC's messages will be included in the e-tax program to remind people to update their enrolment when their address changes. A pop-up box will display, when e-tax users indicate that they have changed their residential address, with a reminder message about changing enrolment address online. In this way we hope to encourage electors to update their enrolment as a by-product of other business they are doing with Government, rather than waiting until the election is called.
- With the same objective of encouraging electors to notify the AEC of changes of address in a more timely fashion, we are also collaborating with Australia Post, which is developing a new initiative to provide an online service for mail-redirection. The data required for registering a change of address is in many instances the same as the AEC requires for a change of enrolment address (ie name, date of birth, address and some form of proof of identity, such as a driver's license or passport number). The AEC is working with Australia post to determine whether the new service could support enrolment update.
- Key AEC systems in relation to polling officials (AEC employment, AEC election training and AECPAY) have been reviewed and improved and information is on the intranet detailing the rollout of those changes. Training in the revamped systems is now being scheduled. A project has also started on ways we can better engage with polling officials between elections to maximise their contribution and again shift work away from the election period.

Our immediate priorities are crystal clear and are being progressed. I look forward to hearing about further developments on my return from leave in early April.

Appendix F: Towards the Next Election

Towards the next election: priorities for action

A MESSAGE FROM THE COMMISSIONER

This document is designed to provide a primary point of reference to describe the key activities necessary to improve the AEC's delivery of the next federal election. These priorities have emerged following a substantial period of review, including conferences, surveys, working parties, and specific issue reviews, and taking into account the views of a very large proportion of AEC staff members.



Context

The 2010 federal election was characterised by a number of circumstances and events that contributed to a highly unusual election.

This report is not designed to act as a narrative of the election, but it is important to establish the context for the priorities that the AEC must pursue. The most notable being:

- the 2010 federal election had only a 35 day period from the announcement of the election until polling day – equalling the second shortest such period since the creation of the AEC;
- it was the first election held in winter since 1987 affecting, among other things, availability of polling staff and some polling places;
- as a consequence of the High Court decision, there were, effectively, three close of rolls events for the Federal election;
- enrolment transactions increased by

approximately 300 000 compared with 2007 to give a total of more than half a million overall;

- postal voting increased by 25% compared with 2007, with approximately one million electors choosing to vote by post;
- nearly 750 000 people contacted the call centre, an increase of 25% on 2007; the exceptionally heavy volume of calls on the first day caused problems for the call centre providers leading to the diversion of calls to already overloaded AEC offices;
- email traffic more than quadrupled against 2007 levels, with 175 000 emails received;
- partly due to the impact of counting pre-poll votes as ordinary votes, the AEC counted more than 11 million votes on election night, one million more than were counted on election night in the 2007 election.

These factors, combined with the introduction of new systems (ORS and Checkpoint) that were, on implementation, not fit for purpose, and the use of GENESIS for the first time during a federal election close of rolls, created

Appendix G: AEC recommendations for the JSCem's Inquiries into the 2007 and 2010 Federal Elections

AEC Sub		AEC Recommendation
2007 federal election inquiry		
1	169	Recommendation 1: The AEC recommends that: (i) tier 1 POI be retained; (ii) further research be conducted into possible new models for tiers 2 and 3, focussing on whether POI in its current shape is presenting barriers to enfranchisement for some societal groups; and (iii) if the JSCem is of the view that urgent action is needed, tiers 2 and 3 be simplified into a single tier, under which those who do not possess a driver's licence number will be able to enrol if their enrolment forms are witnessed by another person on the Commonwealth roll.
2	169	Recommendation 2: The AEC recommends retaining a POI requirement for enrolment for first time enrolees only. The POI requirement should be discussed with states and territories to ensure harmony in enrolment criteria for the joint roll, and to make sure enrolment requirements are not overly prescriptive.
3	169	Recommendation 3: The AEC recommends that sections 99A and 99B be repealed and replaced with a single section dealing with provisional enrolment for potential new citizens.
4	169	Recommendation 4: To ensure accuracy and completeness of the electoral roll, the AEC recommends that it be funded to undertake a comprehensive communication strategy similar to that used in 2007 on an ongoing basis, with particular emphasis in the nine to twelve months prior to each expected election.
5	169	Recommendation 5: The AEC recommends that if the continued staging of the NTR is desired by the parliament, the AEC must receive additional funding, either through the budget or through charging, to cover associated costs.
6	169	Recommendation 6: The AEC recommends that the CEA be amended to require "party" PVAs to be returned directly from the elector to the AEC.
7	169	Recommendation 7: The AEC recommends that the JSCem consider the implications of the trend towards an increase in early voting, and move to mitigate the impact of the trend by adopting the recommendations in this submission.
8	169	Recommendation 8: The AEC recommends that the CEA be amended to allow those voters who qualify for a pre-poll vote to be able to cast an ordinary vote, instead of a declaration vote, if they attend an early voting centre in their home division.
9	169	Recommendation 9: The AEC recommends that the requirement for production of identity documents by provisional voters should be repealed.

Appendix G to Attachment A: AEC recommendations for the JSCEM's Inquiries into the 2007 and 2010 Federal Elections

10	169	Recommendation 10: The AEC recommends that the 2006 amendment set out at paragraph 4.6.14 above be repealed, and that the CEA provide that where a declaration voter has been previously removed from the roll by objection action on the ground of non-residence, then: (i) if his or her address at the time of voting is within the division for which he or she was previously enrolled, his or her House of Representatives and Senate votes will be counted; but (ii) if his or her address at the time of voting is in a different division in the same state/territory, his or her Senate vote will be counted, but his or her House of Representatives vote will not be counted.
11	169	Recommendation 11: The AEC recommends that the CEA be amended to enable the provision of mobile polling at town camps such as in Darwin and Alice Springs.
12	169	Recommendation 12: The AEC recommends that the definition of a "hospital" and "special hospital" in the CEA be amended to reflect the current definitions of aged care under the Aged Care Act 1997, and that any person residing in a residential aged care facility, including staff, should be able to vote at the mobile polling facility.
13	169	Recommendation 13: The AEC recommends that the CEA be amended to extend the time period for conducting special hospital polling to the twelve days before polling day.
14	169	Recommendation 14: The AEC recommends that Parliament consider amending the CEA to provide for further secure, remote electronic voting at the next federal election, and that eligibility should be extended to include members of the Australian Federal Police serving overseas, remotely posted AusAID or DFAT staff, and Antarctic electors as well as ADF personnel serving overseas.
15	169	Recommendation 15: The AEC recommends that Parliament legislate for further use of electronically assisted voting machines at the next federal election, and that eligibility for their use should be extended to voters experiencing other forms of print disability as well as those experiencing blindness and impaired vision.
16	169	Recommendation 16: The AEC recommends that the CEA be amended to provide the AEC with a range of options for dealing with electoral offences, including: - warning letters for technical breaches; - public shaming and reports to Parliament for more serious breaches; - compliance agreements that are signed and published on the internet that acknowledge the breach and agreed steps to prevent future breaches; - civil penalties; and - withholding election funding for continuing breaches.
17	169	Recommendation 17: The AEC recommends that the JSCEM may wish to consider conducting a separate inquiry on the role and regulation of the internet in elections to allow consultation with the relevant stakeholders.
18	169	Recommendation 18: The AEC recommends that online update of enrolment details, accessible by electors whose identities have been verified through the POI process, be provided for in the CEA.

Appendix G to Attachment A: AEC recommendations for the JSCEM's Inquiries into the 2007 and 2010 Federal Elections

19	169	<p>Recommendation 19: The AEC recommends that sections 4, 94(1), 94A(2), 95(2), 96(2), 98(2), 99A(4), 99B(2) and 104(1) of the CEA be amended to provide a flexible regime for the authorisation by the AEC of enrolment forms, which will:</p> <ul style="list-style-type: none"> - allow a number of versions of an approved form; - enable forms to be tailored to the needs of specific target groups; and - facilitate online transactions.
20	169	See beneath table below for technical amendments
21	169	See beneath table below for operational amendments
22	169.18	Recommendation 1: The AEC recommends that appropriate amendments be made to the CEA and the <i>Referendum (Machinery Provisions) Act 1984</i> (RMPA) to enable the use of such technology.
23	169.18	<p>Recommendation 2: The AEC accordingly recommends that:</p> <p>(i) where an item in the table in section 90B of the CEA entitles a Senator or Member to receive one copy of a roll or certified list, that item be amended to permit the Senator or Member to opt for the relevant copy to be supplied in electronic rather than hardcopy form; and</p> <p>(ii) where an item in the table in section 90B of the CEA entitles a Senator or Member to receive three copies of a roll or certified list, that item be amended to permit the Senator or Member to opt to receive one of the copies in electronic rather than hardcopy form, and to receive either zero, one or two hardcopies.</p>
22	169.18	Recommendation 3: The AEC recommends that the CEA be amended to enable the AEC to conduct its enrolment-related work, in a non-election period, in the same manner as during election times.
23	169.18	Recommendation 4: The AEC recommends that the CEA and the RMPA be amended to allow postal vote applications to be made electronically with the need for an elector signature or witness replaced with a requirement to provide a secret word (or meet a similar identity verification requirement) which would then need to be also supplied on the PVC; and that the witness requirement also be removed for written PVAs.
24	169.18	Recommendation 5: The AEC recommends that the CEA be amended to change the minimum age for provisional enrolment from 17 to 16.
25	169.18	Recommendation 6: The AEC accordingly recommends that paragraph 209A(b) of the CEA be amended so that it refers simply to "a feature approved by the Electoral Commission". The same amendment should be made to paragraph 25A(b) of the RMPA.
26	169.18	Recommendation 7: The AEC recommends that section 227 of the CEA be amended so that it applies to all divisions, not just "remote" divisions, and so that the places to be serviced by mobile polling under the section are required to be detailed on the AEC website, rather than gazetted.

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Annex 10 – Amendments to the *Commonwealth Electoral Act 1918*

2008 TECHNICAL AMENDMENTS

Commonwealth Electoral Act 1918 (CEA)

Provision	Comment
17(1A)	This section still refers to subsection 91(4A) and 91(4A)(e) which were deleted after consequential amendments to the CEA for roll access. Needs to be updated to refer to 90B(1) and 90B(4).
90B(1), Item 13	Replace incorrect reference to 'the Senator' with 'the member'.
93(8AA), 208(2)(c) and 221(3).	The High Court held in <i>Roach v Electoral Commissioner</i> [2007] HCA 43 that certain provisions of the CEA are invalid because they are contrary to the Commonwealth Constitution. The Court held that subsections 93(8AA) and paragraph 208(2)(c) of the CEA are constitutionally invalid.
Part XI and section 123	The 'Electoral Commission' is defined for the purposes of the CEA in section 4 and the term is used generally throughout the CEA. Part XI separately defines and uses the term 'Commission' except in section 138A where it refers to the 'Electoral Commission'. The distinction between 'Commission' and 'Electoral Commission' serves no purpose and should be remedied for legislative consistency.
171	Section 171 contains an incorrect cross-reference to paragraph 170(a)(ii), which should be to paragraph 170(1)(b).
306A(8)	Delete reference to AFIC Codes and the <i>Corporations Act 2001</i> . The AFIC Codes are no longer based in the

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	<i>Corporations Act 2001</i> and ADI's are now regulated by APRA under the <i>Banking Act 1959</i> .
314AA(1)	Remove the repeated word 'or' in the sentence.
318(2)	Reference to '3(c)' appears incorrect. Replace with '3' to correct typographical error.
385A(2)	Delete reference to section 332 of the CEA. Section 332 was repealed in 1999.
390A	Remove reference to section 10 of the <i>Crimes Act 1914</i> , as section 10 has been repealed.
Various sections	The use of a hyphen in the words ballot and paper is inconsistent through out the CEA. That is, ballot paper and ballot-paper are used interchangeably. It is recommended that the hyphen is removed.

Referendum (Machinery Provisions) Act 1984 (Referendum Act)

49(1)	Requires amendment to be consistent with subsection 80(1) of the CEA to provide for an explicit power to abolish polling places by notice in the <i>Gazette</i> .
Various sections	The use of a hyphen in the words ballot and paper is inconsistent through out the Referendum Act. Ballot paper and ballot-paper are used interchangeably. It is recommended that the hyphen is removed.

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Annex 10 – Amendments to the *Commonwealth Electoral Act 1918*

2008 OPERATIONAL AMENDMENTS

Commonwealth Electoral Act 1918

Appendix G to Attachment A: AEC recommendations for the JSCEM's Inquiries into the 2007 and 2010 Federal Elections

Provision	Comment
31(4)	This subsection comes under the heading of Assistant Australian Electoral Officers for States, however refers to a person acting as AEO for the ACT (this is already covered by subsection 30(4)). Should read 'An Assistant Australian Electoral Officer for a State who is acting as Australian Electoral Officer for the State has, and may exercise, all the powers of the Australian Electoral Officer for the State.'
90A	The CEA does not currently prohibit the photographing and photocopying of the roll that is available for public inspection. If the recording of the roll by electronic device is not stopped it will allow for the recording of electoral roll information on a large scale. This may result in inappropriate use of electoral roll information.
90B(1) Item 16	Provision of roll information to State or Territory electoral authority. In the 2004 amendments, the mechanism for providing roll information to State and Territory electoral authorities was rolled into the table in subsection 90B(1). A consequence of this is that the information can only be used for a permitted purpose. Subsection 91A(2B) currently limits the use of this information to any purpose in connection with an election or referendum, and monitoring the accuracy of information contained in a Roll. States such as WA use the information for a range of purposes, for example, jury list
126(2A)(b)	Section 126 deals with political parties who are applying to become registered political parties. Located within this section is subsection 126(2A), which deals with membership of the political party. Subsection 126(2A) applies to both applicant political parties and already registered political parties. The current language of paragraph 126(2A)(b) implies that any person may easily change the Register of Political Parties at any time. In reality a change to the Register of Political Parties can only be executed by following the requirements in section 134 of the CEA. Paragraph 126(2A)(b) should refer to section 134 to align these two sections.

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129(1)(d) and (da)	<p>These provisions concern the registration of political parties. The previous government attempted to stop the registration of parties with similar names to the established parties by introducing these provisions. Considering the result of the AAT case on 'liberals for forests' and the advice sought from several Senior Counsel it appears that these provisions would not stop parties with similar words as existing parties from being registered. The application of these provisions is impossible due to the subjective test in the provisions. Recommended solution is to repeal the section or to provide a regulation making power to prescribe certain words that may not be used, for example, 'Labor'.</p>
131	<p>To become a registered political party an application must be made to the AEC (section 126). The AEC must give the applicant notice if their application is faulty. After the AEC has given the applicant this notice, section 131(2) provides that the AEC is not required to consider the issue further until they receive a written request from the applicant. As section 131 of the CEA currently stands, there is no limitation period on the time the applicant can take to reply to a notice issued by the AEC. This means that there is no resolution of applications where no response is received to a notice under section 131(1). To facilitate administrative efficiency a reasonable time limitation should be attached to section 131.</p> <p>Amend section 131 to make clear that an application lapses if a notice under section 131(3) is not received within 90 days of the issue of a notice under section 131(1). This will resolve applications where no response is received to a notice under section 131 (1).</p>
132A and 133	<p>These provisions cover the same topic. Sections 132A and 133 are in Part XI of the Act dealing with Registration of Political Parties. Section 132A explicitly states that the Commission must give reasons to applicants in relation to any decisions made under Part XI. Subsection 133(3) states that the Commission must give an applicant written notice of any decisions where an application of registration of a political party has been refused. This subsection is unnecessary duplication of the requirements of section 132A, which already requires written notice of all decisions.</p>

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185(1A)	Repeal this provision. The current provision requires the DRO to ask Defence and AFP for information about the movements of their personnel. For security reasons this information is not openly available. Therefore, a DRO will not know when Defence or AFP personnel leave for their overseas service.
195A(6)	<p>Subsection 194(2) of the CEA provides that where a postal vote is unlikely to reach the appropriate Divisional Returning Officer within 13 days after polling day a person can hand their postal vote to a person who is at a capital city office of the Electoral Commission and who is an officer of the AEC as provided for by subparagraphs 195(2)(h)(i) and 195(2)(h)(ii). Subsection 194(3) provides that where an officer receives a ballot paper under this provision they must deal with the ballot paper in accordance with section 195A and 228 of the CEA.</p> <p>As a matter of current procedure the AEC receives all ballot papers from overseas electors to one post office address in Sydney. The AEC has received advice from the Australian Government Solicitor that the procedural requirements for dealing with postal votes as set out in subsection 195A(6) do not apply to postal votes received from overseas electors to the Sydney post office address. For the avoidance of doubt the AEC would like subsection 195A(6) to be amended to specifically state that it only applies to postal votes received in accordance with subsection 194(2).</p>
200D / 225 / 226A / 228 / 273 / 274	200D could be amended to clarify that an application for a pre-poll vote may only be made before polling day, and that votes cast under 225 and 226A are only declaration votes. Section 228, 273 and 274 may also need to be amended to clarify how these votes are processed once in the ballot box. These changes will affect how electors outside their own State or Territory cast a vote on polling day.

Referendum (Machinery Provisions) Act 1984

Part VII	Include a provision for the date fixed for the return of the writ shall not be more than 100 days
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	after the issue of the writs. This will make this consistent with section 159 of the CEA.
Part III	Provide for Electoral Commissioner discretion for 'Other Mobile Polling' where it is necessary or convenient to be done for the conduct of elections. This provision may provide for mobile polling to be conducted other than as currently provided, such as the town camps outside Alice Springs.

2010 federal election inquiry		
27	87	Recommendation 1: The AEC recommends that legislation proceed to amend the Electoral Act to allow the direct update of enrolment.
28	87	Recommendation 2: The AEC recommends that the Electoral Act be amended to enable the AEC to directly enrol eligible electors on the basis of data provided by specific sources.
29	87	Recommendation 3: The AEC recommends that JSCem consider online enrolment as part of its inquiry into the 2010 federal election. The AEC is considering the implications of the Federal Court decision in Getup specifically, and online enrolment processes generally, and will provide further advice to JSCem on ways in which online enrolment can be implemented, whilst maintaining the integrity of enrolment processes.
30	87	Recommendation 4: The AEC recommends that the Electoral Act be amended to enable electors to enrol up to and including polling day, by casting a provisional vote that is subject to satisfactory evidence of identity requirements
31	87	Recommendation 5: The AEC recommends that the Electoral Act be amended to require a member of a political party referred to in Part XI of the Electoral Act to be enrolled.
32	87	Recommendation 6: The AEC recommends that the Electoral Act be amended to permit the AEC to provide limited access to electoral roll information to a party which has commenced an application for registration.
33	87	Recommendation 7: The AEC recommends a reduction in the nomination period by one day so that nominations close not less than nine or more than 26 days after the issue of the writ, rather than ten and 27 respectively. A consequential amendment would then be required to ensure that the date fixed for polling is not less than 24 or more than 32 days after the date of nomination.
34	87	Recommendation 8: Consequent to recommendation 7, it is recommended that an application for a pre-poll vote cannot be made before the Monday 19 days before polling day
35	87	Recommendation 9: The AEC recommends that the requirement at section 200DH of the Electoral Act for an applicant for a pre-poll ordinary vote to complete and sign a certificate be repealed.

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36	87	<p>Recommendation 10: The AEC recommends that the deadline for receipt of postal vote applications be 6 pm on the Wednesday three days before polling day.</p> <p>Additionally, the AEC recommends that consistent with the NSW provisions, the cut-off for postal vote applications received in Australia for addresses outside Australia be 6 pm on the Monday five days before polling day.</p>
37	87	Recommendation 11: The AEC recommends that the Electoral Act and the Referendum Act be amended to specifically allow for the automated issue of postal votes.
38	87	Recommendation 12: The AEC recommends that the Electoral Act and the Referendum Act be amended to require postal vote applications to be returned directly to the AEC
39	87	Recommendation 13: The AEC recommends that the requirement for production of evidence of identity by provisional voters should be repealed.
40	87	Recommendation 14: The AEC recommends the votes of provisional voters who are subsequently found to be enrolled should be admitted to the scrutiny.
41	87	Recommendation 15: The AEC recommends that the Electoral Act be amended so that provisions similar to those which allow blind and low vision voters to cast a secret ballot by telephone or any other suitable electronic means be applied to Antarctic voters.
42	87	Recommendation 16: The AEC recommends that the Electoral Act be amended to enable the production of a list of all Antarctic electors to be used at all Antarctic polling stations.
43	87	Recommendation 17: The AEC recommends that the Electoral Act be amended to enable the Electoral Commissioner to determine the procedures for voting in Antarctica.
44	87	Recommendation 18: The AEC recommends that to assist in the online recruitment of polling staff, the Electoral Act and Referendum Act be amended to remove the requirement that the officer and employee undertaking be signed. This would allow for the requirement for the undertaking to be made and accepted online as part of the offer of employment.
45	87	Recommendation 19: The AEC recommends that electronic certified lists containing national or state certified list data, provide a basis for issuing pre-poll and absent votes as ordinary votes.
46	87	Recommendation 20: The AEC recommends the Electoral Act and Referendum Act be amended to specifically provide that a ballot box may not be opened before the close of polling other than in accordance with the provisions of the Electoral Act. However, a savings provision in the event of an official error should be included.
47	87	Recommendation 21: The AEC recommends that section 273 of the Electoral Act be amended to require that on polling night, Senate ballot papers do not need to be sorted to individual candidates below the line, nor be separately parcelled for return to the divisional office.
48	87.5	Recommendation 1: The AEC recommends that no new or significantly altered approach be taken to deferral of redistributions.
48	87.5	Recommendation 2: The AEC recommends that the Electoral Act be amended to prescribe a fixed period in which the augmented Electoral Commission undertakes a second round of consultation. The AEC proposes that the fixed period allow for a period of 28 days for further objections and, subsequently, a period of 14 days for comments on further objections

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50	87.5	Recommendation 3: The AEC recommends that the 60 day period specified for the augmented Electoral Commission's consideration of objections be extended by 42 days in order to accommodate for the further objection process outlined above.
51	87.5	Recommendation 4: The AEC recommends that the definition at subsection 63A(5) for the 'starting time for the projection' be amended to refer to the anticipated time of making the determination referred to in subsection 73(4).
52	87.5	Recommendation 5: The AEC recommends that Part XI of the Electoral Act be amended so that notices about party registration previously to be published in the Commonwealth Gazette are now to be published on the AEC website.
53	87.5	Recommendation 6: The AEC recommends that the nominations regime for Senate candidates be amended to: <ul style="list-style-type: none"> - increase the number of nominators required by a candidate who wishes to contest a Senate election as a member of an unendorsed group; and / or - increase and index the deposit requirements
54	87.5	Recommendation 7: The AEC recommends that section 282 of the Electoral Act be amended to make it clear that ballot papers which were informal for the purposes of the section 273 scrutiny are not to be included in the section 282 scrutiny.
55	87.5	Recommendation 8: The AEC recommends that section 282 of the Electoral Act be amended to make it clear that if a ballot paper, at the section 282 re-count, is not capable of being counted as a first preference vote for any of the 12 elected candidates deemed to be on the ballot paper, it is not to be included in the 'total number of first preference votes' figure used for the calculation of the quota.
56	87.5	Recommendation 9: The AEC recommends that section 282 of the Electoral Act be amended to avoid confusion and make clear that where a ballot paper was deemed not to show a preference for a particular candidate for the purposes of the section 273 scrutiny, it is also to be deemed not to show a preference for that candidate for the purposes of the section 282 scrutiny.
57	87.5	Recommendation 10: The AEC recommends that references in the Electoral Act to 'the approved form' be changed to 'an approved form' to provide consistency in terminology and to ensure the intent of the JSCEM's recommendation to allow for a number of versions of an approved form is clearly reflected in the legislation.

Appendix H: AEC response to ANAO suggested improvements to administrative provisions of the Commonwealth Electoral Act 1918

Report reference	Issue	Relevant text	Comment
Para 2.7	Appointment of DROs	<p>Text</p> <p>2.6 Section 32 of the CEA provides that there shall be a DRO for each division,⁴⁶ but the CEA is silent on how DROs are to be appointed. During the course of the audit, the ANAO raised with the AEC various issues concerning the appointment process for DROs. The AEC informed the ANAO that it:</p> <p style="padding-left: 40px;">has undertaken a review of the functions of DROs and has created a revised title for persons performing the duties that include the DRO functions under the CEA. These positions are now known as Divisional Office Managers and have been created under subsection 22(1) of the Public Service Act 1999 in recognition that the functions that are now performed go beyond merely those functions under the CEA to include a range of other functions relating to the role of the AEC.</p> <p>2.7 This is an example of a dated administrative provision within the CEA that would benefit from review at the next opportunity.</p> <p>Footnote</p> <p>46. The AEC informed the ANAO that there has been a longstanding conflict in the CEA between some of the specific powers given to DROs and their location to undertake specific election-related functions. For instance, amendments to section 38 of the CEA in 1983 enabled the AEC to specifically direct that the office of a DRO could be situated outside the DRO's division. However, the nomination process in the CEA continues to include references to DROs as being situated within their division.</p>	<p>In relation to processing of enrolments, the <i>Commonwealth Electoral Act 1918</i> (the Electoral Act) was amended by Schedule 2 of <i>Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010</i> (Act No. 109 of 2010) to allow the Electoral Commissioner to delegate all or any of his or her enrolment powers and functions to any officer or any other member of staff of the AEC.</p> <p>These changes came into effect on 19 July 2010.</p> <p>In relation to the nomination process, the Electoral Act was amended by Schedule 3 of the <i>Electoral and Referendum Amendment (Improving Electoral Procedure) Act 2013</i> (Act No. 19 of 2013) which omitted the word "therein" from section 174 to clarify that the DRO doesn't have to be physically located inside the divisional boundary to accept nominations.</p> <p>These changes came into effect for the 2013 Federal Election.</p>
Para 2.8	Entitlement to enrol	<p>Text</p> <p>2.8 Before accepting a claim to enrol, the DRO for the division must be satisfied that the claimant is entitled to be enrolled in respect of residence at an address in that division. The CEA permits electors to be enrolled under their common-law name, for the place at which they live. Undertaking this task in accordance with the legislation presents particular challenges to the AEC. Specifically:</p> <ul style="list-style-type: none"> • the practical impact of administering common-law identity is that the name under which a person enrolls may differ—possibly to a significant degree—from the evidentiary documents provided, but as long as the evidence is cogent, the 	<p>The AEC has not sought to have the Electoral Act changed with respect to these provisions.</p>

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		<p>person may still be entitled to claim enrolment under the name on the form. The AEC informed the ANAO that the administration of enrolment has been made even more complex with the overlay of a number of decisions of both the Administrative Appeals Tribunal and the Federal Court which deal with the specific provisions of the CEA and the names under which persons are entitled to appear on the electoral rolls; and</p> <ul style="list-style-type: none"> • similar administrative issues arise when DROs must decide the address in the division at which a person is to be enrolled. The CEA provides that living at an address for a period of one month creates an entitlement to enrol at that address, and requires the elector to fill in and sign a claim for enrolment at that address.⁴⁷ However, the CEA incorporates several concepts of address and does not consistently set out what it means to <i>live at an address</i>. While for most electors living at an address as readily been able to be established, this is not the case for a significant minority.⁴⁸ <p>Footnotes</p> <p>⁴⁷ The requirements are created by CEA subsections 99(1) and 101(1).</p> <p>⁴⁸ For instance, students may live at university student residences for most of the year, while maintaining their enrolment at another address (say, that of their parents); or miners may live and work at a remote mine site for extended periods, while remaining enrolled at the address of their family home in a capital city. The extent of the AEC's detailed policy advice to DROs on the administration of enrolments indicates that those provisions of the CEA may not always enable efficient and effective enrolment processes.</p>	
Para 2.16	Workload sharing	<p>Text</p> <p>2.16 The AEC's workload sharing was implemented on the understanding that a DRO's enrolment tasks specified under the CEA at sections 101 and 102 could be undertaken by staff in other divisions. However, in April 2009 the AEC received legal advice that this understanding was probably not sustainable and that the actual work of enrolment should be carried out by the DRO in the division for which the elector had applied for enrolment.⁵²</p> <p>2.17 The legal advice received by the AEC points to dated administrative provisions of the CEA that would benefit from review at the next opportunity. In its June 2009 report on the 2007 election, JSCEM recommended that the CEA be amended to enable workload sharing across divisions within a state or territory in non-election periods.⁵³</p> <p>Footnotes</p> <p>⁵² AGS, legal advice to the AEC, 9 April 2009.</p> <p>⁵³ JSCEM, <i>Report on the conduct of the 2007 federal election and matters related thereto</i>, Canberra, June 2009, pp. 275–7.</p>	<p>As noted above in relation to the item concerning 'Appointment of DROs', the Electoral Act was amended by Schedule 2 of <i>Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010</i> (Act No. 109 of 2010) to allow the Electoral Commissioner to delegate all or any of his or her enrolment powers and functions to any officer or any other member of staff of the AEC.</p> <p>These changes came into effect on 19 July 2010.</p>

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Para 2.50	Authorisation by gazettal of roll management systems and devices	<p>Text</p> <p>2.49 Although the Explanatory Memorandum for the 1983 amendments to the CEA described section 111 as enabling roll maintenance to be performed on a computerised roll-maintenance system approved by the Commission,⁷⁵ the provision allows only for the approval of hardware. As the roll can be supported by a range of devices, the number and location of the devices requiring authorisation by gazettal is likely to change regularly.⁷⁶ Authorisation is required not only for the machines used in regular RMANS processing, but for other machines such as:</p> <ul style="list-style-type: none"> • the computers and storage devices that hold backup copies of roll software and enrolment data, which operate at other sites away from the AEC, so as to reduce the risk of the total loss of the electronic roll; • the devices holding local copies of the roll and other enrolment data in the AEC's divisional offices; and • the 150 personal digital assistants (PDAs, or handheld computers) carrying copies of divisional rolls for the trials conducted during the 2007 general election. <p>2.50 This is another example of a dated administrative provision within the CEA that would benefit from review at the next opportunity. Further in this respect, the September 2009 Electoral Reform Green Paper <i>Strengthening Australia's Democracy</i> canvassed a broad range of possible options for using electronic systems to automatically update electors' enrolment details. Among the options were automatic enrolment, automatic update, online enrolment and online update. Each option anticipates the extensive use of electronic systems and computer-assisted decision-making.</p> <p>Footnotes</p> <p>⁷⁵ Explanatory Memorandum, Commonwealth Electoral Legislation Amendment Bill 1983, p. 25.</p> <p>⁷⁶ Section 4 of the CEA requires such approvals to be published in the <i>Commonwealth Gazette</i>. The last gazetted approval under section 111 was in 1990, for the Department of Administrative Services' mainframe computer situated in Canberra and the South Australian State Computing mainframe computer situated in Adelaide.</p>	<p>The Electoral Act was amended by Schedule 1 of the <i>Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010</i> (Act No. 110 of 2010) to remove the definition in s. 4 of 'approved'. The presence of this meant that 'approved' hardware (under s.111), had to be 'approved by the Electoral Commission by notice published in the <i>Gazette</i>'. With the removal of this definition there is no longer a requirement for approvals of hardware to be published. These changes came into effect on 15 July 2010.</p>
Para 4.41	Key polling booth staff	<p>Text</p> <p>4.41 Much of the work on polling day, while time consuming, is fairly basic in nature, and little formal training and instruction is required for staff to become effective at their assigned tasks. However, the same cannot necessarily be said of the roles of OICs and 2ICs, who numbered almost 13 000 (or nearly 20 per cent) of the AEC's polling staff for the 2007 general election.¹⁵⁸ For example, divisional staff informed the ANAO that having experienced OICs and 2ICs at</p>	<p>The AEC has not sought to have the Electoral Act changed with respect to these provisions. The Electoral Act does not require OICs or 2ICs to be appointed, as their roles as presiding officers during polling are not an appointed position. OICS are appointed as an Assistant Returning Officer under section 33,</p>

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		<p>polling booths to supervise new polling staff on polling day is very important.</p> <p>Footnote ¹⁵⁸ The total includes officers in charge of ordinary, pre-poll and mobile polling, all of whom have important statutory responsibilities under the CEA. However, there is a lack of clarity in the CEA's provisions for appointing these officers, another instance where the administrative provisions of the CEA may not be promoting efficient and effective electoral processes.</p>	<p>in order to undertake the appropriate scrutiny activity under Part XVIII after the close of polling.</p> <p>In relation to training, the AEC focuses training on OICs, 2ICs and other senior polling officials. These polling officials undertake home-based online training as well as face-to-face training conducted by the DRO or other relevant AEC staff. This accompanies the identification of experienced polling officials; but the focus is to maintain trained officials, rather than just those with experience, as legislative or procedural change between elections is emphasised in training.</p>
Para 5.18	Certified list	<p>Text</p> <p>5.17 The AEC informed the ANAO that, in order to confirm electors' entitlement to vote, polling officials use a printed list that combines in one document the publicly available roll along with the items specified under the heading 'Certified lists of voters' in section 208 of the CEA.</p> <p>The inclusion of the address is not specifically authorised by section 208. However, the address is required to be included for two reasons. First, the question to be asked of a voter in section 229(1)(b) is 'Where do you live'. To enable that response to be checked, it is apparent that the polling official must have access to a list that includes the address.</p> <p>5.18 This is a further example of an inadequate administrative provision within the CEA that would benefit from review at the next opportunity.</p>	<p>The AEC has not sought to have the Electoral Act changed with respect to these provisions.</p> <p>s.208 does not preclude the inclusion of other information on the certified list.</p>
Para 5.22	Legal advice on electronic certified lists	<p>Text</p> <p>5.20 The AEC has received consistent legal advice that voting in person and voting by post are special legislative provisions that are not subject to the provisions of the <i>Electronic Transactions Act 1999</i>, which generally makes paper and electronic transactions equivalent. In particular, in July 2002 the AEC sought legal advice on whether there was any requirement that certified lists be in printed form. The advice from the Australian Government Solicitor (AGS) was that several provisions in the CEA <i>implied</i> that certified lists should not be in electronic form unless there was clear authority.¹⁹⁶</p> <p>5.21 In 2004, the CEA was amended so that the provisions on the supply of copies of the electoral roll would be medium-neutral; that is, they would not</p>	<p>The Electoral Act was amended by Schedule 4 of the <i>Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010</i> (Act No. 110 of 2010) to allow for electronic roll information to be provided to parliamentarians and allow for electronic certified lists.</p>

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		<p>specify whether copies were supplied in paper or electronic or any other format.¹⁹⁷ In April 2009 the AEC sought further advice, in the light of the 2004 amendments, on whether certified lists might also be prepared in electronic format, and the AGS reaffirmed its opinion that they should not be in electronic form unless there was clear authority.</p> <p>5.22 In the light of the AEC's most recent legal advice, it appears that these administrative provisions would benefit from review at the next opportunity. In its report on the 2007 election, the JSCEM recommended that the CEA be amended to enable the use of electronic certified lists in polling booths and pre-poll voting centres on the recommendation of the AEC.¹⁹⁸</p> <p>Footnotes ¹⁹⁶ AGS, legal advice to the AEC, 11 July 2002. The provisions nominated as impliedly relevant were: section 208 on certified lists, section 232 on the marking-off of electors' names, the sections on the provision of copies of certified lists to candidates and others, and section 393A on the preservation of ballot-papers etc. after polling day. ¹⁹⁷ <i>Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004</i>, Schedule 1, item 3, amending CEA section 90. ¹⁹⁸ JSCEM, <i>Report on the conduct of the 2007 federal election</i>, p. 279.</p>	
Para 5.38	Initialling of postal ballot papers	<p>Text</p> <p>5.37 Section 190(2) of the CEA requires the DRO or overseas electoral officer to initial the top of the front of the postal ballot paper. The AEC has described the postal-vote printing process for 2007 as follows: In 2007, the AEC used three postal vote production methods: central print, local print and hybrid print. Central printing takes place at the premises of the APVIS contractor which could be in a different state to the elector; local printing takes place at the AEC divisional office in which the details of the application are entered into the system; and hybrid printing takes place at another AEC office.²⁰⁹</p> <p>5.38 The AEC informed the ANAO that postal-vote ballot papers printed centrally include the printed initials of the Divisional Returning Officer for the division in which the central production site is located, which is currently the division of Lalor. Those produced locally are initialled by local DROs.²¹⁰</p> <p>Footnotes ²⁰⁹ JSCEM, <i>Report on the conduct of the 2007 federal election</i>, p. 10. ²¹⁰ In this case also, the administrative provisions of the CEA may not be promoting efficient and effective electoral processes.</p>	<p>The Electoral Act was amended by Schedule 1 of the <i>Electoral and Referendum Amendment (Improving Electoral Procedure) Act 2013</i> to remove the prescription relating to how postal votes were previously processed under the Electoral Act, and also to seek to allow for technological developments over time. The previous requirement for DROs to initial ballot papers (under s. 190 of the Electoral Act) was repealed and replaced with a requirement that the ballot paper must be marked with the initials of the officer who issued the ballot paper, or caused it to be issued (s.188(1A)).</p>

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Para 5.51	Remote mobile polling	<p>Text</p> <p>5.51 Subsequent to the gazettal of a division where RMP may operate, the actual locations where the polling will take place are also required to be gazetted.²¹⁴ This gazettal consists simply of a list of places.²¹⁵ However, since it is now general practice for RMP teams to also act as interstate voting centres, it is also necessary to gazette the RMP locations as PPVCs.²¹⁶ The gazettal of PPVCs is required to contain not only the place, but also the date and time of polling.²¹⁷ This creates the ironic situation of a subsidiary activity (pre-poll) receiving a more informative gazette notice than the primary activity (RMP)—and this occurs in the same issue of the <i>Gazette</i>.²¹⁸ This is another of the examples noted in this audit of dated administrative provisions within the CEA that would benefit from review at the next opportunity.</p> <p>Footnotes</p> <p>²¹⁴ CEA section 227(4)(a).</p> <p>²¹⁵ See, for example, <i>Commonwealth of Australia Gazette</i>, No. GN 43, pp. 3061–6 (Lingiari division).</p> <p>²¹⁶ An interstate vote is available where an elector will be absent from their state or territory on polling day. This is a subcategory of pre-poll votes (CEA section 200A and Schedule 2, item 1).</p> <p>²¹⁷ CEA section 200BA(1).</p> <p>²¹⁸ <i>Commonwealth of Australia Gazette</i>, No. GN 43, pp. 3084–96. In Lingiari, there are only 18 PPVCs that are not also remote mobile-polling locations, but in some 250 instances the two places are the same.</p>	<p>Inconsistencies in the information required by the Electoral Act to be published in the <i>Gazette</i> concerning pre-poll centres and mobile voting locations were amended by the enactment of the Schedules 1 and 5 of the <i>Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010</i> (Act No. 110 of 2010).</p> <p>The amendments also removed the requirement for publication of notices concerning mobile polling and pre-polling to be provided in the <i>Gazette</i>.</p> <p>Accordingly, the existing requirements provide a mechanism for advertising a complete list of places, days and times of where mobile teams will visit, and where pre-poll voting, including interstate voting will occur.</p>
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