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GOVERNANCE AND
COMPLIANCE

Governance and compliance

The AEC seeks to maintain electoral integrity through a governance framework designed to ensure transparency and accountability. The internal governance framework is complemented by a range of external scrutiny mechanisms through which the AEC is accountable to its stakeholders, including the Australian Parliament and the public.

Overview

An important aspect of the AEC's work in contributing to impartial, accurate and transparent electoral outcomes is the principle of integrity.

Corporate governance

Leadership and management structures, including a range of management committees, provide checks and balances for the AEC's work and provide senior leaders with the necessary insight to shape the agency's strategic direction. In 2014–15 the AEC implemented a number of changes to this structure and the way it operates.

Accountability

A range of business planning and reporting mechanisms ensure clear lines of accountability and decision-making within the AEC. A comprehensive set of reporting and planning documents are regularly updated to reflect internal and external change.

Legal compliance

The AEC's legal compliance measures are evaluated in terms of administrative, judicial and parliamentary scrutiny. Legal services are provided by both in-house and external resources.

Corporate governance

The AEC's corporate governance arrangements are the structures and processes the senior leadership utilise to monitor performance, ensure accountability and steer the agency.

Overview

The structures and processes which guide the AEC's corporate governance are predominantly the executive management structure and a range of management committees which address the key objectives of the agency and the management of resources.

Corporate governance arrangements within the AEC address the agency's responsibility to be accountable to its stakeholders, including the Australian Parliament and the Australian public.

The Accountability section of this report provides detail of the planning, operating and reporting framework which informs the AEC's corporate governance performance. This includes a range of planning documents, such as the National Business Plan and Service Charter, in addition to internal audit and fraud control measures.

Leadership and management

The objective of the AEC's governance structure is to maintain visibility across the agency, encourage focused discussion at the senior executive level and increase information sharing throughout.

The AEC's corporate governance structure is strongly supported by a range of diverse management committees and four influential discussion forums.

Management committees

The AEC's governance structure is centred upon a suite of decision-making committees with formal roles, along with discussion forums to encourage open communication and accountability across the agency.

During 2014–15, assurance within the AEC gained an increased focus as the agency worked to re-establish its reputation. Assurance activities were addressed by a number of management committees, including the Business Assurance Committee, Fraud Control Committee and the Operational Compliance Group.

Executive Leadership Team

The Executive Leadership Team (ELT) is the senior management team that assists the Electoral Commissioner in the day-to-day and long-term management of the AEC. The team, comprised of the Electoral Commissioner, Deputy Electoral Commissioner and two First Assistant Commissioners, meet regularly to discuss operational and strategic issues.

Strategic Directions Group

The Strategic Directions Group (SDG) provides advice to the Electoral Commissioner on strategic planning and the long-term, strategic direction of the agency.

The SDG reviews and considers long-term environmental scanning and provides advice on any relevant plans. The SDG also considers reports from the Operational Compliance Group on issues and risks that may have a strategic impact on the agency.

Operational Compliance Group

The Operational Compliance Group (OCG) monitors the ongoing operations of the agency, providing advice to the SDG and ELT where necessary. It monitors and drives forward progress against key performance indicators, compliance benchmarks and assurance frameworks.

Project Board

The Project Board works to support business outcomes for the AEC. The Project Board assesses new project proposals and advises the ELT on projects happening across the agency, as well as monitoring and reporting on the progress of projects. The ELT endorses, suggests changes to or rejects new project proposals, based on advice from the Project Board. The Project Board also reports to the SDG and OCG as appropriate.

Business Assurance Committee

The Business Assurance Committee (BAC) provides independent advice on the AEC's internal audit resourcing, coverage in relation to key risks, approval of the Internal Audit Program. The BAC held five meetings in 2014–15.

The new rules for the operation of audit committees and fraud control under the *Public Governance, Performance and Accountability Act 2013*, which commenced on 1 July 2014, were incorporated into the Business Assurance Committee Charter and Protocols during the year.

The Accountability section of this report (risk management and business continuity) addresses the development and implementation of the 2014–15 Assurance Plan.

Fraud Control Committee

The Fraud Control Committee (FCC), a sub-committee of the BAC, advises the BAC on the appropriateness and effectiveness of the AEC's fraud control plans, policies and procedures.

The FCC held four meetings in 2014–15 and provided fraud control reports to the BAC.

National Election Delivery Committee

The National Election Delivery Committee (NEDC) is responsible for supporting the National Election Manager (NEM) and providing national oversight of the agency's election planning, preparation, delivery and coordination of activities in line with the Election Ready Road Map (ERRM).

The First Assistant Commissioner, Election Operations and Reform, Mr Pablo Carpay also assumes the role of the NEM. The NEM provides regular reporting on behalf of the NEDC to the OCG and to the ELT.

Change Governance Board

The Change Governance Board was established to oversee key projects that represent major change initiatives the AEC is planning to implement at the next federal election. The Change Governance Board is also responsible for monitoring other significant organisational change matters as required by the Electoral Commissioner.

The Board provides advice to the OCG, NEDC, SDG and BAC on projects within its remit, highlighting risks and issues as required.

Work health and safety committees

The National Work Health and Safety Committee meets every quarter, with out-of-session meetings held as required to address specific work, health and safety matters. Quarterly meetings are attended by the Chair, management representatives, employee representatives and advisors from the People Services Branch (Health, Safety and Wellbeing team).

Work health and safety committees also meet on a quarterly basis in all states and territories.

Discussion forums

With management and employees distributed across all states and territories, it is important to maintain effective internal communication to ensure agency cohesion. This is achieved at three levels of agency management via four discussion forums which incorporate the participation and feedback of senior executives and managers. These forums have been designed to facilitate information sharing and links across the AEC's national network.

Senior Executive Forum

The senior executives in the AEC have an integral role in implementing key strategic directions in an effective and consistent manner. The Senior Executive (SE) Forum provides a mechanism for achieving common understanding of, and commitment to, key issues at the agency level.

The SE Forum ensures that all senior executives (branch heads and state/territory managers) are across new, emerging issues and general issues, with a focus on information sharing and clarification of the AEC's approach to various agency-wide issues rather than any formal input to policy and procedural directions.

The SE Forum also provides a linkage between organisational priority setting, decision-making and implementation at branch and state office level.

The SE Forum aims to meet most months of the year via teleconference, with one face-to-face meeting each year.

Director Operations Network

Since its establishment in 2007, the Director Operations Network has evolved to work closely with many National Office branches and program areas to promote national consistency in the implementation of AEC policies and procedures. Members of the network also inform the NEDC of potential challenges to implementation, particularly operational and strategic issues.

The network is also an effective conduit for informing divisional and state office staff of the agency's focus areas and key operational issues. It meets a minimum of six times a year, with at least one meeting held face-to-face (the remainder via teleconference or video conference).

Operations Managers' Network

The Operations Managers' Network has encouraged the participation of operations managers in cultural and operational transformation. Its key objective is to facilitate increased collaboration, consistency and compliance to underpin increased quality, effectiveness and integrity of the AEC's operations.

Accountability

The AEC is accountable to its stakeholders, the Australian Parliament and the people of Australia. As a publicly accountable agency, the AEC has a duty to professionally plan, record and report on its activities each year. In 2014–15, this included a National Business Plan (to be replaced in 2015–16 by a Corporate Plan), the Budget Estimates process, Annual Report and documents which record work made towards achieving key performance indicators.

Overview

As an agency, the AEC meets government accountability requirements via a comprehensive range of business planning and reporting mechanisms. These address operations, strategic direction, risk management, business continuity, internal audits, fraud control, public accountability, ethical standards and staff consultation.

Planning, operating and reporting framework

In 2014–15, the AEC's ongoing planning, operation and reporting framework illustrated in [Figure 10](#) consisted of:

- the AEC Strategic Plan 2009
- a Strategic Risk Management Plan updated annually
- portfolio budget and additional estimates statements updated annually
- an annual report
- an annual procurement plan
- branch, state and territory plans updated annually
- regular performance reporting.

Strategic direction

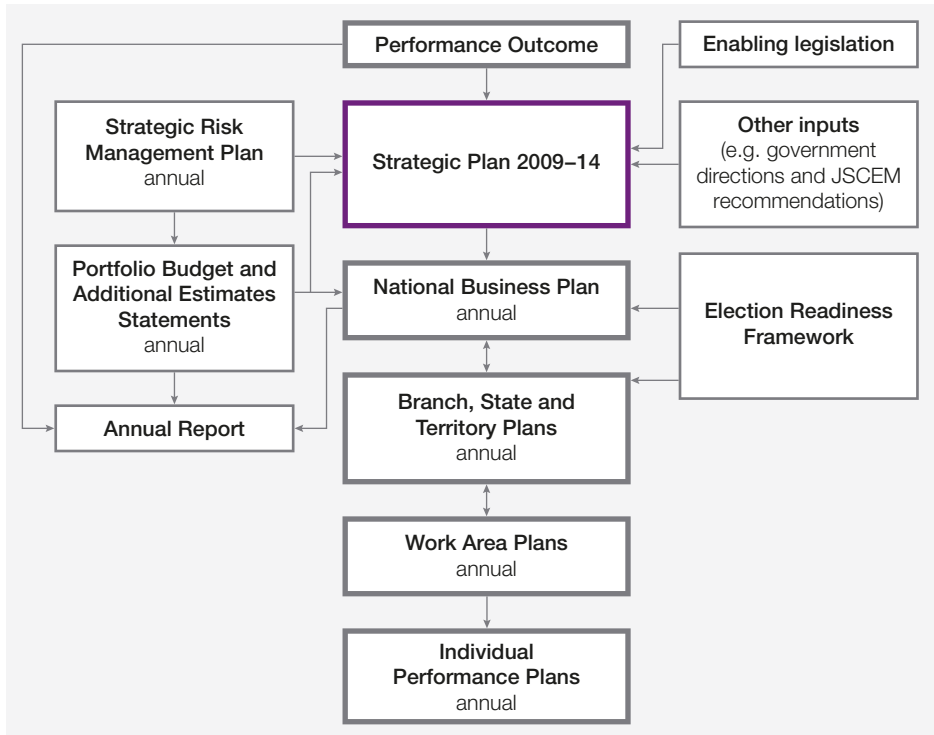
A range of corporate and business planning documents address specific operational or functional requirements and ensure that strategic planning informs local work and individual performance plans, as shown in [Table 8](#).

Corporate plan

In 2014–15 the AEC began development of its inaugural Corporate Plan 2015–2019, replacing the Strategic Plan 2009–2014. The plan provides focus for the agency's work over the next four years, commencing at the start of the 2015–16 financial year. The plan outlines the five following agency directions:

- deliver a changed model for elections and referendums
- govern the organisation for quality and assurance
- professionalise the workforce
- re-establish the reputation of the AEC
- build an agile and responsive organisation.

Figure 10: Planning, operating and reporting framework



Designed to guide the AEC's day-to-day business activities and change programmes, the Corporate Plan will provide the foundation of the agency's planning and operating framework.

National Business Plan

The 2014–15 National Business Plan was comprised of 55 reportable activities which were endorsed by the ELT.

The plan assisted the ELT in guiding and managing the work of all branches and state and territory offices. Progress, which was recorded regularly in agency performance reporting, was assessed against reportable activities in electoral roll management, election management services, election support services, education and public awareness.

Branch, state and territory plans

In 2014–15, corporate and business planning documents established by individual branches, states and territories complemented the National Business Plan. Addressing key activities such as planning, risk mitigation and resource allocation, they highlighted specific operational, functional and regional characteristics that inform strategic planning.

AEC performance reporting

In 2014–15, the AEC's performance reporting provided senior management with financial and performance information which related directly to business plan targets and outcomes.

It covered progress and developments in a range of key areas, such as budgets, expenditure, staffing, AEC services and programme outcomes.

Table 8: Corporate and business planning documents

Document	Purpose	Reviewed
National Business Plan	Provides high-level guidance on the strategic priorities for the year	Annually
Business continuity plans	Ensures continuation of identified critical business functions during and following a critical incident that causes disruption to normal operations	Every three years (or sooner in the event of a major restructure)
Fraud Control Plan	Provides a tailored solution for preventing, detecting and responding to fraud in accordance with relevant Commonwealth law, fraud control policies and memorandums of understanding	Every two years
Election Readiness Framework	Sets out and monitors the programme of activity required to maintain election readiness	Every election cycle
Strategic Risk Management Plan	Details strategic risks that affect the AEC and specifies how these risks will be managed	Annually
Internal Audit Plan	Sets out the AEC's internal audit programme for the financial year	Annually
Disability Inclusion Strategy	Identifies target outcomes from the National Disability Strategy 2010–2020 relevant to the AEC	2020
Health and Safety Action Plan	Sets out activities to underpin health and safety management arrangements	Every three years
Workplace Diversity Plan	Sets out activities to recognise and value diversity in the workplace	Every four years
Reconciliation Action Plan	Sets out activities to recognise and respect Aboriginal and Torres Strait Islander peoples in internal and external arrangements and activities	Every three years
Agency Multicultural Plan	Sets out engagement activities and access and equity policy to engage those from diverse cultural backgrounds	Every three years
Property Plan	Provides direction for long-term management of leased property	Annually
Security Plan	Sets out strategies to protect staff, visitors, information, equipment and premises against harm, loss, interference and compromise	Biannually
Strategic Plan	Identifies the agency's strategic direction	Periodically, as required
Assurance Plan	Outlines assurance activities that target the AEC's key/high risk business processes	Annually

Risk management and business continuity

The AEC is committed to integrating risk management principles and practices into its business processes. A range of initiatives guide the work of the AEC in its commitment to minimising risk and ensuring business continuity.

Addressing risk

The AEC safeguards risk-related planning by regularly updating its Strategic Risk Management Plan, Risk Management Handbook and Risk Management Policy to address changes and developments in the environment in which it operates.

The AEC's approach to risk management seeks to:

- ensure it manages all business in a responsible manner
- ensure that risks faced in electoral operations and political environment are understood and managed
- increase the likelihood of meeting key performance indicators and delivering the outcomes required by stakeholders
- safeguard assets (i.e. people, information, property and public monies) and use them responsibly and efficiently
- create an environment in which all employees assume responsibility for the proactive identification and mitigation of risk
- facilitate compliance with relevant legal and regulatory requirements
- ensure the adoption of evidence-based reliable decision-making processes and planning using professional risk management approaches
- ensure a shared, agency-wide approach to risk management
- improve operational effectiveness and efficiency (including use of resources)
- ensure each specific risk to the agency will have a risk owner.

Risk register

In 2014–15, the enterprise risk register continued to provide a central platform for employees and management to record, assess and manage risks. By providing a snapshot of identified risks and management strategies, the register supported the agency in identifying, resolving and mitigating both operational and strategic risks.

Business assurance

The AEC developed the 2014–15 Assurance Plan to outline assurance activities for the financial year that targeted the AEC's key/high-risk business processes. The Assurance Plan describes the Assurance Framework which is based on the three lines of defence model which recognises that there are a number of key contributors towards an agency's governance and control framework, namely:

- management control
- various risk control and compliance oversight functions established by management
- independent assurance.

The Assurance Plan included a number of internal audit topics and seven audits were undertaken in the financial year. These focussed on the change program underway in the AEC in preparation for the next federal election along with consideration of risk management and information technology.

Business continuity planning

The AEC's approach to business continuity management is based on maintaining the reliability of functions which are critical to its operations. A range of plans and initiatives, overseen by the Business Continuity Management Policy and Framework, address the agency's need to respond appropriately to disruptive events, maintain reporting lines and efficiently deliver critical services.

In 2014–15 incident management plans and election-critical business continuity plans were reviewed and updated in anticipation of the next federal election.

Internal audit

Scrutiny through audit is a key accountability mechanism for effective governance and the improvement of business processes and performance. The AEC's internal audit function provides the agency with an independent and objective review. It also provides the Electoral Commissioner, through the BAC, with professional audit advice.

Internal Audit Plan

The 2014–15 Internal Audit Plan identified seven audit activities covering the following areas:

- the AEC's post-election evaluation processes
- risk management framework maturity
- People Services System Replacement Project
- McLeod Review implementation
- privacy, security and compliance
- Keely implementation
- fraud control.

Internal Audit Charter

On 4 November 2014 a revised Internal Audit Charter and related protocols were introduced to improve on the previous year's audit function. As agreed, the auditors reported to the BAC as required on audits completed and progress made in the implementation of the Internal Audit Plan. Auditors report annually on the overall status of the internal controls or issues that require management attention.

Auditors

PricewaterhouseCoopers and McGrath Nicol were appointed as intended auditors for the AEC on 1 July 2013. Appointed for an initial three-year period, they are responsible for the conduct of audits and other related services, as specified by the BAC and detailed in the 2014–15 Internal Audit Plan.

Fraud control

The AEC recognises and defines electoral fraud as 'a breach of the *Commonwealth Electoral Act 1918* (Electoral Act) and related legislation with intent to obtain a benefit for which the person is not otherwise entitled to or to cause detriment to the Commonwealth.'

The Fraud Control Plan 2013–15 established the Electoral Commissioner's response to maintaining a zero tolerance of fraud in the operations and services of the AEC.

In the interests of public accountability, the AEC website clearly defines 'electoral fraud' and outlines a range of platforms for reporting fraud which include email, postal mail and a specialised phone service titled the AEC Fraudline.

The Fraud Control Committee is responsible for assessing the effectiveness of the agency's fraud control plans, policies and procedures.

Service Charter

The AEC's Service Charter provides the public with an explanation of AEC services, how they are provided and the standards of service provided. As a key corporate document implemented by the Public Engagement team, the Service Charter also guides AEC staff in their interactions with the public.

Following the introduction of the national complaints management framework in early 2014 and enhancements to the national public engagement contact register, the AEC's Service Charter is being further refined.

The reviewed document will be published online in late 2015. The [current AEC Service Charter](#) can be viewed on the AEC website.

Public accountability

Freedom of Information

Agencies subject to the *Freedom of Information (FOI) Act 1982* are required to publish information for the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

As the AEC is subject to the FOI Act, it [publishes this information on its website](#) and updates it regularly.

Information Publication Scheme Statement

As an agency subject to the FOI Act, the AEC is required to publish information to the public as part of the IPS. The AEC's IPS and FOI Disclosure Log is published on its home page using icons developed by the Office of the Australian Information Commissioner (OAIC).

In accordance with these requirements, the [IPS page](#) on the AEC website publishes the following:

- an outline of the IPS and its requirements
- the AEC Agency Plan (which includes invitations for the public to comment on the AEC Agency Plan)
- details of the AEC's structure and functions (including a link to the AEC's organisational chart and a list of statutory appointments under the Electoral Act)
- the AEC's reports and responses to the Australian Parliament
- annual reports dating back to 1998
- routinely requested information
- contact details for further queries.

The AEC website also features operational information which assists the agency to make decisions or recommendations that affect members of the public, such as the AEC's rules, guidelines, practices and precedents relating to former decisions and recommendations. These include:

- enrolment requirements published at www.aec.gov.au/enrol
- special enrolment options published at www.aec.gov.au/Enrolling_to_vote/Special_Category
- information for candidates and scrutineers published at www.aec.gov.au/Elections/candidates
- party Registration Guide published at www.aec.gov.au/Parties_and_Representatives/party_registration/guide
- financial disclosure guides published at www.aec.gov.au/Parties_and_Representatives/financial_disclosure.

Customer enquiries, issues and complaints

The AEC receives enquiries and feedback from the public and other stakeholders through a range of contact channels including telephone, email, social media, facsimile, postal mail and in person.

In 2014–15 the AEC received over 70 000 phone calls, over 29 000 emails and approximately 21 000 in-person contacts from the public.

Complaints management framework

In 2014–15, the AEC introduced a national complaints management framework which includes a Complaints Management Policy. The policy, [available on the AEC website](#), sets out the processes the AEC will follow in the management of a complaint. The policy also outlines the six principles of accessibility, responsiveness, confidentiality, fairness, transparency and efficiency as fundamental to the AEC's management of complaints. The policy is operationally supported by two internal procedure documents titled Complaints Management Procedures and Internal Review of Complaints Procedures.

Public engagement contact register

Central to the AEC's management of public enquiries and complaints is a public engagement contact register, which was further reviewed and enhanced in 2014–15 as part of the agency's commitment to continual improvement.

More information on the AEC's customer contact services, including accessible service options, is provided in the Performance Reporting chapter of this report (education and communications).

Addressing complaints

Most complaints to the AEC are made by telephone to the national contact number on 13 23 26 and are resolved immediately. Complaints made to divisional offices may be referred to the relevant state office, then to the national office as appropriate. The time required to address and resolve each complaint depends upon the nature and complexity of the matter raised. Most complaints the AEC receives are from voters, however a small number are from candidates.

Ethical standards

The AEC's ethical standards are informed by the:

- AEC values
- AEC's planning framework
- AEC staff conduct policies (e.g. attendance, dress code, conflict of interest)
- Australian Public Service Values and Code of Conduct (reinforced in the AEC Enterprise Agreement 2011–2014).

The AEC's core values of electoral integrity through quality, agility and professionalism inform both strategic planning and day-to-day operations.

Electoral integrity has become a particularly important aspect of the AEC's ethical standards and during 2014–15, the agency focused on understanding and responding to the expectations of the public and the Australian Parliament.

More information on the AEC values is provided in the chapter titled About the AEC.

Staff consultation

The AEC considers effective communication with staff as crucial to the achievement of its objectives. As a result, it manages a number of initiatives to ensure that employee's views and opinions are heard on decisions that affect them.

As established in the AEC Enterprise Agreement 2011–14, a number of national and state consultative forums support open communication and consultation. Elections are held to select employee representatives, who may self-nominate to participate. The three employee representatives on the national consultative forum are elected by staff.

The responsibilities of the AEC Consultative Forum include:

- improving communication between employees and AEC management
- providing an opportunity for open, honest and effective communication on matters concerning the AEC nationally
- reporting to the ELT as necessary
- convening working parties to examine issues of interest to AEC staff and management (e.g. organisational and technical change, equity, diversity, employee relations and human resource management).

In 2014–15, significant consultation was also undertaken with staff as part of the negotiation of a new enterprise agreement. Membership of the negotiation committee included managers, employees and union representatives. All negotiations are conducted in accordance with the *Fair Work Act 2009* and the Australian Government Public Sector Workplace Bargaining Policy.

AEC staff participate in the annual State of the Service survey conducted by the Australian Public Service Commission (APSC). The agency continues to rate above the APSC's organisational response target of 65 per cent. In 2015 the AEC's response rate was 76 per cent. Senior management reviews the results of this confidential report each year to identify what is working well across the agency and to address areas that may require improvement. A continuous process of review includes members of the Executive Leadership Team, Assistant Commissioners and State and Territory Managers.

Other initiatives used by the AEC to address staff consultation include internal surveys, workshops, dedicated email addresses for specific queries and online discussion forums. The intranet is the AEC's key internal communication tool and is continuously improved through analysis of usage patterns and user experiences.

Legal compliance

The Legal and Procurement Branch is responsible for the management of the AEC's administrative and judicial compliance. The Office of the Commissioner ensured parliamentary compliance, providing support services to the Australian Parliament and the Special Minister of State.

Overview

The AEC's management of legal compliance consists of the provision of legal services (both in-house and external), in addition to internal and external compliance processes that encompass administrative, judicial and parliamentary scrutiny. These can include legal action, responses to matters concerning human rights, providing evidence to parliamentary committees and complying with activity reports prepared by the ANAO.

Legal Services

In 2014–15 the AEC's Legal and Procurement Branch were responsible for legal services, commercial law and procurement. In addition to providing advice on all legal matters, it provided advice on the operation and effect of provisions in the Electoral Act and the Referendum Act.

External legal services, such as counsel fees and court costs, were significantly reduced in 2014–15 which is not unusual for operations within the relevant phase of the election cycle.

Administrative scrutiny

A range of platforms ensure that the AEC's administrative processes and responsibilities remain publicly accountable and transparent. Both individuals and organisations may lodge queries or complaints with:

- the Administrative Appeals Tribunal, under the *Administrative Appeals Tribunal Act 1975*
- the Commonwealth Ombudsman, under the *Ombudsman Act 1976*
- the Privacy Commission, under the *Privacy Act 1988*
- the Australian Information Commissioner and the Freedom of Information Commission, under the *Freedom of Information Act 1982*
- the Australian Human Rights Commission, under the *Human Rights and Equal Opportunity Commission Act 1986*.

Judicial scrutiny

A number of new matters involving the judicial review of AEC decisions were launched in the 2014–15 period.

External services

The AEC spent \$546 806.07 on external legal services in 2014–15. Expenses included fees to firms on the panel of legal service providers, counsel fees, court costs and miscellaneous charges. This was a decrease from the \$839 495.52 expended in 2013–14. The decrease was mainly due to a reduction in legal work associated with a federal election, including the conclusion of the AEC's petition to the Court of Disputed Returns in the 2013–14 period.

Administrative scrutiny

The administrative practices and decisions of the AEC are subject to a number of pieces of legislation, outlined in [Table 9](#).

Table 9: Guiding legislation

Act	Governing body	Related matters
<i>Administrative Appeals Tribunal Act 1975</i>	Administrative Appeals Tribunal	Certain administrative decisions made under the Electoral Act.
<i>Ombudsman Act 1976</i>	Commonwealth Ombudsman	Complaints about matters of administration relating to AEC functions.
<i>Privacy Act 1988</i>	Office of the Australian Information Commissioner (the Privacy Commissioner)	Complaints about breaches of privacy rights.
<i>Freedom of Information Act 1982</i>	Australian Information Commissioner Freedom of Information Commissioner	Complaints about, and delays in, the handling of requests for access to information.
<i>Human Rights and Equal Opportunity Commission Act 1986</i>	Australian Human Rights Commission	Complaints that claim the AEC have unlawfully discriminated against an individual.

Relevant reports and reviews

Administrative Appeals Tribunal

The AEC continued to be involved in legal action concerning who is recorded in the Register of Political Parties as the registered officer of the Australian Democrats. There were four related matters before the Administrative Appeals Tribunal (AAT) during this period (including the deregistration of the Australian Democrats party).

Matters relating to registered officers of registered political parties

The registered officer of a registered political party has several rights under the Electoral Act, including the right to nominate candidates to stand in a federal election (section 167) and the right to lodge group voting tickets (section 211) for the Senate.

On 6 March 2014, Dr James Page lodged an application for review to the AAT claiming there had been a deemed refusal to make a decision on the application to have Mr Stuart Horrex substituted as the registered officer of the Australian Democrats (2014/1195). This application was dismissed by the AAT on 25 July 2014 as the applicant had misconstrued the operation of section 134 of the Electoral Act.

On 9 June 2014, Mr Hayden Ostrom Brown made a fresh application for review to the AAT seeking an extension of time to apply for tribunal review of the decision not to substitute Mr Paul Morgan as the registered officer of the Australian Democrats (2014/3024). The previous application for tribunal review — made by Mr John Davey — had been dismissed by the AAT on the grounds the applicant was the subject of a sequestration order under the *Bankruptcy Act 1966* and the trustee in bankruptcy did not elect to continue the action (see *John Davey v AEC* [2014] AATA 355). Mr Ostrom Brown withdrew this application on 1 August 2014.

On 29 July 2014, Dr James Page lodged an application for review of a decision on 25 June 2014 by the (three-person) Electoral Commission (2014/4022). This decision affirmed the decision of a delegate of the Commission not to change the Register of Political Parties by substituting Mr Stuart Horrex for Mr John Bell as Registered Officer of the Australian Democrats. In a decision dated 17 September 2014, Deputy President Hack SC decided that only Mr Horrex should be the applicant and Mr Bell be joined as a party.

Deregistration of the Australian Democrats

On 16 April 2015 pursuant to s.137 of the Electoral Act the AEC deregistered the Australian Democrats on the basis of failure to demonstrate that it had the requisite 500 members to maintain registration. The AEC advised the AAT of this matter and on 27 April 2015 the AAT vacated the hearing dates set down for May 2015 and adjourned the matter pending any hearing and determination of proceedings arising from the deregistration of the Australian Democrats.

On 14 May 2015 Mr Darren Churchill and Mr Roger Howe, as National President and National Secretary of the Australian Democrats, respectively, made an application to the (three-person) Electoral Commission for an internal review of the decision to deregister the Australian Democrats.

On 5 January 2015, Dr James Page lodged an application with the AAT for a review of the decision not to withdraw a notice — issued to him under s.318(2) of the Electoral Act — seeking certain particulars relating to the annual return for the Australian Democrats (2015/51). The AAT dismissed the application for lack of jurisdiction.

Further matters before the AAT

The AEC also had two further matters before the AAT during this 2014–15.

The first of these was an application by the Liberal Party of Australia seeking a review of the decision by the AEC to allow the Liberal Democratic Party to register the abbreviation ‘Liberal Democrats’ (2013/6987). A hearing on the matter was scheduled for September 2015.

The second was an application by Mr Cordover seeking a review of the AEC’s refusal of an FOI request for the source code of the computer system used to count the votes in Senate and other elections (2014/3361). A hearing was held in late July 2015 with the AAT allowing further written submissions to be made by 18 August 2015 before determining the matter.

Australian National Audit Office

The ANAO provides quarterly audit activity reports to the BAC.

Following the 2013 federal election, the ANAO foreshadowed three performance audits on the implementation of recommendations in Performance Audit Report No. 28 2009–10, *The Australian Electoral Commission's preparation for and conduct of the 2007 federal general election*. Of those, Performance Audit Report No. 31 2013–14 was tabled in 2013–14. Audit Report No. 4 2014–15 *Second Follow-up Audit into the Australian Electoral Commission's Preparation for and Conduct of Federal Elections* was tabled in November 2014. The remaining audit, *Third Follow-up Audit into the Australian Electoral Commission's Preparation for and Conduct of Federal Elections*, commenced in March 2015 and is expected to be tabled in the Australian Parliament in the 2015–16 financial year. During 2014–15 the AEC continued to implement report recommendations from the first two audits.

Commonwealth Ombudsman

The AEC responded to three issues referred to the Ombudsman during 2013–14 that were finalised during this period.

One of these matters involved a complaint about the handling of ballot papers. This matter was finalised with no finding of administrative deficiency against the AEC.

Two other matters involved accessing the electoral roll for non-electoral purposes. One of these matters was finalised with the Ombudsman advising the AEC to amend its website. The website has since been amended. The other matter was finalised with the Ombudsman advising that access should be granted to the applicable policy. The AEC has reviewed its access to the electoral roll policy and the request would now come within the policy.

Australian Human Rights Commission

On 31 March 2015 the Australian Human Rights Commission (AHRC) advised the AEC that a complaint had been made against the agency. The complaint stated the AEC's website was inaccessible to a person who was blind and that AEC staff were not helpful in resolving this issue. Further, the complaint was that the AEC discriminated against the complainant and was in breach of its obligations under the *Disability Discrimination Act 1992*.

The AEC sought to conciliate the matter under the auspices of the AHRC, however the AEC and the complainant were not able to come to an agreement. On 16 July 2015 the AHRC terminated the complaint as there was no reasonable prospect of the matter being settled by conciliation.

Judicial scrutiny

Access to the electoral roll

On 24 July 2014 Mr Robert Gardner filed an application with the Federal Court under section 39B of the *Judiciary Act 1903* seeking unrestricted access to inspect the electoral roll (VID 419 of 2014). On 2 December 2014 Mr Gardner filed with the Court a Notice of Discontinuance by consent of the parties that there be no order as to costs. The AEC has since reviewed its access to the roll policy and Mr Gardner's request would now come within the policy.

Industrial elections

The AEC conducts elections in various industrial matters. The AEC is the ballot agent for protected action ballots conducted under the *Fair Work Act 2009* and it conducts elections for office bearers in industrial elections under the *Fair Work (Registered Organisations) Act 2009*. These industrial elections can give rise to disputes between two or more parties (for example, between the industrial organisation and the employer or between various candidates standing for election to office bearer positions). The role of the AEC in these matters is normally to seek to be joined as a party to the proceedings so that it can assist the court in accordance with the principles established by the High Court in the case of *R v Australian Broadcasting Tribunal; Ex parte Hardiman* (1980) 144 CLR 13.

Under section 182 of the *Fair Work (Registered Organisations) Act 2009*, the AEC must conduct elections for office bearers in industrial organisations unless the Fair Work Commission has granted an exemption (see section 183). Organisations must lodge the required details for an election with the Fair Work Commission (see section 189). When that information is provided to the Fair Work Commission, the general manager of the Fair Work Commission is required to pass the information to the AEC. The AEC then conducts the election.

There are a number of offences in relation to actions which hinder or obstruct an election. The AEC refers allegations of breaches to either the general manager of the Fair Work Commission or the Australian Federal Police. If the allegation can be construed as an “irregularity” (see *Mcjannett, in the matter of an application for an inquiry in relation to an election for offices in the Construction, Forestry, Mining and Energy Union, Western Australian Branch (No 2)* [2009] FCA 1015) that has affected the outcome of the election then, under section 200(2) of the *Fair Work (Registered Organisations) Act 2009*, the AEC is required to apply to the Federal Court for an inquiry.

The AEC was a party to three proceedings before the Federal Court during this period in relation to industrial elections.

On 5 September 2014 Ms Diana Asmar filed an application for an inquiry into alleged irregularities in respect of the Health Services Union Scheduled Election 2014 Victoria No. 1 Branch (VID 522 of 2014). The alleged irregularity was that the AEC had accepted the nominations of two candidates for the election when it should not have done so. The Court ordered the AEC’s acceptance of the nominations was void. See *Asmar, in the matter of an election for office in the Victoria No 1 Branch of the Health Services Union (No 2)* [2014] FCA 1113 (21 October 2014).

On 8 October 2014 Mr Mark Walker filed an application for orders that the Court institute an election inquiry into the current election for Branch Secretary of the Victorian Branch of the Australian Rail, Tram and Bus Industry Union (VID 580 of 2014). The Court heard the matter on 9 October 2015 and the application was dismissed. See *Walker, in the matter of an election for an office in Victorian Branch of the Australian Rail, Tram and Bus Industry Union* [2014] FCA 1109 (9 October 2014).

On 2 June 2015, Mr John Herbertson filed an application for orders that the Court institute an election inquiry into alleged irregularities in the conduct of the 2015 Australian Manufacturing Workers’ Union election for the Vehicle Division National Divisional Secretary (VID 290 of 2015). The Court held an inquiry and ordered that a new election be held between two specified candidates. To date there are no published reasons for the judgement.

Parliamentary scrutiny

The AEC is accountable to the Australian Parliament primarily in respect to its statutory responsibilities under the Electoral Act, the Referendum Act and related legislation. The AEC provides evidence to various parliamentary committees but primarily to the Joint Standing Committee on Electoral Matters.

Joint Standing Committee on Electoral Matters

The Joint Standing Committee on Electoral Matters (JSCEM) continues to be the central point for parliamentary consideration and debate on electoral law, administration and legislative reform. Through this process, the AEC can provide recommendations to the JSCEM for consideration that may inform legislative change. In 2014–15, the AEC provided a technical advisor to the JSCEM to support its inquiries.

Inquiry into and report on all aspects of the conduct of the 2013 federal election and matters related thereto

The JSCEM tabled two interim reports and a final report.

In 2015 the JSCEM completed its inquiry into the conduct of the 2013 federal election. Over the course of the inquiry the AEC made 11 submissions and appeared at 10 public hearings.

The JSCEM's first interim report on senate voting practices was tabled in the 2013–14 financial year.

The *Second interim report on the inquiry into the conduct of the 2013 federal election: An assessment of electronic voting options* was tabled on 20 November 2014. It contained seven recommendations which were unanimously supported by the committee.

On 15 April 2015 the JSCEM tabled its final report, *Report on the conduct of the 2013 election and matters related thereto*, following two interim reports tabled in May and November 2014. The final report contained 24 recommendations. There was a dissenting report from the Labor and Greens committee members in which they rejected the recommendations to introduce a Federal Direct Enrolment and Update (FDEU) confirmation process and voter identification.

As at 30 June 2015 the Government had not responded to the three reports.

On 23 June 2015, the then Chair of JSCEM issued a media release announcing two further inquiries, focussing on the delivery of electoral education and campaigning activities and conduct at polling places.

Services to the Australian Parliament

In 2014–15 the AEC provided support services to the Australian Parliament, and to the Special Minister of State, on the administration of the Electoral Act and the Referendum Act. The Special Minister of State referred 125 letters to the AEC for input. Major themes included preferential voting, the Senate voting system, and issues relating to enrolment. The AEC also provided briefings to the Special Minister of State and support for Question Time and Senate Estimates hearings.

CASE STUDY

Supporting Bougainville's independent elections

In January 2015, the AEC worked in partnership with the Department of Foreign Affairs and Trade (DFAT), the Autonomous Bougainville Government (ABG) and the Office of the Bougainville Electoral Commissioner (OBEC) to support the development of a 'needs based' project plan for the May 2015 elections.

The program, funded by DFAT, operated as an adjunct to a broader Australian electoral assistance program conducted in PNG, with the AEC working collaboratively with New Zealand and Papua New Guinea (PNG) counterparts as part of an international support team. A small number of AEC staff worked alongside the OBEC, providing advisory assistance in a range of election planning, communications and execution activities. Assistance provided included:

- consultative planning to support the OBEC
- provision of operations advice to support the OBEC in its management of the overall planning and implementation of the election
- procurement and logistics advice to the electoral logistics office
- support in the strategic planning, implementation and evaluation of a community focused electoral awareness program, and
- IT support to assist the OBEC with its operation of the electoral roll system.

Bougainville's terrain – featuring islands, steep mountain ranges, remote villages, offshore atolls, river crossings and even crocodile-infested waters – presented a unique challenge for the delivery of the elections. Polling was conducted over a two-week period, largely through mobile teams to minimise transportation and logistics difficulties that would otherwise affect the movement of polling schedules and voters' access to polling places.

"One of the key challenges we faced was the transportation infrastructure," said logistics advisor Mark McLoughlin. "Moving materials by truck was challenging with 80 per cent of the main roads unsealed and adversely affected by heavy rainfall and river crossings which presented hazardous driving conditions."

The OBEC's polling teams predominantly used four-wheel-drives to provide polling to villages. When such access was not possible, polling equipment was carried by porters to inaccessible villages. In the absence of jetties, polling equipment was also carried from boat to shore where materials were required to be transported



Count centre procedures at the North Count Centre in Buka.

to the outer islands. Taking into consideration these local conditions, the AEC recommended the use of waterproof packaging and sealed plastic bags for the transportation of ballot papers.

The AEC also provided public awareness support in the lead up to the elections to encourage voter participation and formality under Bougainville's voluntary voting system. Relevant considerations included Bougainville's widely dispersed population, remote geography, diversity of local languages and literacy levels, and availability of telecommunications and print media networks. Face-to-face communications were essential to the distribution of electoral information and were adopted through the recruitment and training of local awareness officers and formal collaborations with key community groups.

AEC awareness advisor Jennifer Burgess noted, "in the May 2015 elections formality of votes was at 99 per cent, which is a real testament to the work the awareness staff undertook to inform and educate the community. A key focus for our team was to minimise existing confusion around voting procedures and to inspire electors to participate. An average of 60 per cent of electors participated, which represents a fantastic result."

This electoral event resulted in the election of a president and 39 members of the House of Representatives, including regional and constituency seats, via four separate elections.

