



Community & Public Sector Union

Stephen Jones • National Secretary

10 August 2007

Committee Secretary,
Joint Standing Committee on Electoral Matters
Department of the House of Representatives
PO Box 6021
Canberra ACT 2600

Dear Committee Secretary,

Supplementary Submission of the CPSU

The National Secretary of the CPSU, Mr Stephen Jones, appeared before the Committee on 2 July 2007. At that hearing, Mr Jones agreed that the CPSU (PSU Group) would provide some additional material to assist the Committee regarding the following matters:

1. The differences between employment under the Public Service Act 1999 (PSA) and Commonwealth Electoral Act 1918 (CEA) and how that affects accountability?
2. In relation to staff turnover, time lags between losing staff and them being replaced and trained up for the job:
 - a. How long is it taking to fill positions?
 - b. Are there any specific examples of delays in filling positions?
 - c. Do we have any anecdotal evidence of the loss of corporate knowledge?
 - d. Are there any problems with the workload structure?

This supplementary submission addresses these issues.

Differences between employment under the PSA and the CEA and how it affects accountability

Section 35 of the CEA allows the Commission to employ such temporary staff as the Commission thinks necessary for the purposes of the conduct of an election, referendum, ballot or roll review or the conduct of specified education and information programs. The Commission may also employ such senior executive staff as the Commission think necessary to assist the Commission in the performance of its functions.

Section 6 of the PSA states that all persons engaged on behalf of the Commonwealth as employees to perform functions in a Department or Executive Agency must be engaged under the PSA or under the authority of another Act.

By employing staff under section 35 of the CEA, the Australian Electoral Commission (AEC) has the potential to avoid the rigorous accountability standards established by the Public Service Values and Code of Conduct.

While the AEC Collective Agreement commits the AEC to upholding and promoting the APS values and Code of Conduct and the AEC Standard of Conduct for all its employees, this is not the same as being required to uphold these standards by legislation.

By employing staff under section 35 of the CEA, the AEC also opts out of the review mechanisms established by the PSA, such as that provided by section 33, the Public Services Commissioner and the Merit Protection Commissioner. Such provisions provide oversight and valuable protection for the employee and the public service.

Filling of positions

The CPSU's members in the AEC have expressed deep concern about the under-resourcing of Divisional and State offices within the AEC.

In about April 2005, the NSW Office implemented a freeze on recruitment to permanent APS positions as a means of addressing budget issues in the State. Even at the time the recruitment freeze was implemented some Divisions were already not fully staffed. Since that time, retirements or resignations have further reduced staffing numbers. At the same time as staff numbers have fallen in Divisions, the AEC National Office has been in continual staff growth mode.

Due to the current workload and understaffing some staff are carrying 50-60 excess flexi time hours, with little prospect of ever having the possibility of taking this time off. CPSU's members say they are highly stressed and many are doubtful about their prospects of delivering an effective election.

While the CEA gives the AEC the power to hire additional staff at election times, this is no substitute for properly trained, developed and experienced staff to manage an election, let alone deal with the ever-increasing workload in the non-election phase of the cycle.

Attachment A is a snapshot of recruitment underway in the AEC in April 2007. Note that many Division APS2 positions (all in NSW) are part time. Also note the various names used to describe roles at the same level in Divisions eg 'APS 6 Election Manager', 'APS5 Manager Enrolment Services', 'APS5 Assistant Manager' – non ongoing, 'APS2 Enrolment Clerk' indicating amalgamated functions at these locations. None of these position titles are defined in the Commonwealth Electoral Act yet they are performing statutory roles of enrolment and election management.

Workload structure

The current APS positions for Divisional Offices should be:

- Divisional Returning Office (DRO) - APS6
- Divisional Clerk - APS3
- Divisional Assistant - APS2

Variations in workload, particularly varying enrolment volumes, have been managed over the years by the allocation of casual funding, on top of these three full-time APS positions.

The casual funding has in the main been derived from joint roll funds. Therefore Divisions with high enrolment volume or proportionally larger review workloads, would receive greater casual funding. Lately APS positions are remaining vacant and therefore some Divisions are basically operating to a great extent on casual funding.

The latest strategy developed to cope with this under-resourcing has been called "Workload Sharing". Under this strategy Divisions with 'low volume' enrolment processing are expected to process enrolment from other Divisions.

The concept of "Workload Sharing" involves moving the enrolment work from under-resourced Divisions to other Divisions. On its face, this might be considered a reasonable practice. However, it is vital to roll integrity that Divisions process their own areas of enrolment. This also allows Divisions to take into account complicating factors such as a high NESB population, population and address turnover, rural addressing etc. These issues are being ignored in the reductions of Divisional staffing.

For many years there has been a consistent and dedicated approach to attacking the Division structure. See for example, the Scott Report in 1974, the Efficiency Scrutiny into Regionalisation – Part 1 & 2 in December 1987, the AEC Refocus in 2002-2004 and the more recently introduced "Workload Sharing" policy.

These reports and/or strategies are thick with tales of woe about Division staff being isolated, inefficiencies, lack of career progression in Divisions while touting the great advantage of regionalisation and computerisation. The recommendations generally have a common theme: reduce the budget and the number of staff in Divisions.

These reports/strategies ignore the fact that elections, roll maintenance and roll integrity need to be delivered by people on the ground, who know their local area and the electoral issues that arise.

A further and equally alarming problem with "Workload Sharing" is that it is in breach of the CEA.

Section 101(2) and (3) of the Commonwealth Electoral Act (CEA) expressly requires that enrolment applications be forwarded to their proper Divisions to be considered by the Divisional Returning Officer (DRO) for addition to the roll for that

Division. The DRO can make any enquiry necessary of that enrolment application under section 102(1A).

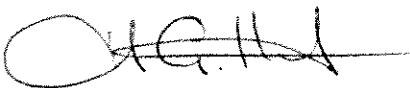
Section 102(2B) of the CEA expressly only allows applications to be considered by other Divisions where an election has been called.

The CEA has clearly expressed the Parliament's belief that local knowledge plays a large part in dealing properly with enrolment applications.

The CPSU is concerned that the AEC, by processing applications for electoral enrolment in a way that is contrary to the CEA, is running the risk that an election result will be challenged in the court of disputed returns.

We hope the above information is of assistance to you.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Gillespie', with a large circular flourish at the beginning and a horizontal line extending to the right.

Margaret Gillespie
CPSU - (Acting) National Secretary