

## **Electoral (Fees) Determination 2009**

**Disallowable instrument DI2009— 105**

made under the

*Electoral Act 1992*

### ***EXPLANATORY STATEMENT***

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#### **General Explanatory Notes**

##### **Overview of increases in fees**

The ACT Electoral Commission is empowered to determine fees for the purposes of the *Electoral Act 1992* under section 8. The fees in this determination have been increased in accordance with the ACT Government's standard that all fees are to be indexed annually by the wage price index. Accordingly, all numerical fees set in 2008/2009 have been increased by 3.5%.

These fees are revoked and remade at the beginning of every financial year. Revenue received by the Electoral Commission is a function of client demand for services, and fluctuates from year to year.

##### **Electoral Officer Services – salary component**

Paragraph 7(1)(g) of the Electoral Act empowers the Electoral Commission to provide services to persons or organisations for a determined fee. The provision of services includes assisting bodies such as universities and government agencies to conduct elections. The Commission is empowered to determine fees for these services under section 8 of the Electoral Act.

This instrument determines hourly fees for services provided by 4 categories of electoral officers:

- Electoral Officer (equivalent to Administrative Service Officer Class 5 employed under the *Public Sector Management Act 1994*)
- Senior Electoral Officer (equivalent to Senior Officer Grade C employed under the Public Sector Management Act)
- Electoral Casual Officer (equivalent to a casual officer employed under the Electoral Act)
- Senior Electoral Casual Officer (equivalent to a casual officer in charge employed under the Electoral Act)

The fees include different hourly rates for the above 4 categories of officers depending on the time of the provision of services, and reflect the various applicable standard and overtime rates applying to officers employed to assist the Electoral Commissioner under the Public Sector Management Act and the Electoral Act. The hourly fees incorporate overhead costs and salary costs.

##### **Electoral Officer services – disbursements**

The instrument also determines a fee for goods purchased by the Electoral Commission for the purposes of providing goods to persons or organisations under paragraph 7(1)(g) of the Electoral Act. This fee simply allows the Commission to be reimbursed for any costs incurred by the Commission in providing goods such as printing ballot papers for an election. These costs could also include postage and mailing house costs, for example.

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## **Provision of copies of documents**

This instrument sets fees for obtaining copies of the specified categories of documents.

Subsection 243(3) of the Electoral Act provides that a person is entitled, on payment of a determined fee, to obtain a copy of a return referred to in subsection 243(1). These returns include returns showing disclosure of donations, returns showing disclosure of electoral expenditure and annual returns submitted by registered political parties, MLAs, associated entities and donors.

Sections 88 and 91 of the Electoral Act provide that various documents related to registration of political parties are required to be made available for public inspection. From time to time members of the public have asked for copies of these documents. To cover the costs of providing such copies, this instrument provides that the Electoral Commission may provide persons with copies of these documents for the determined fee.

Section 333 of the Electoral Act states that voting statistics shall be published and that a person may obtain copies of the statistics in paper or electronic form for a fee.

## **Commencement**

The determination comes into effect on the day after it is notified under the *Legislation Act 2001*. Earlier determinations of these fees are revoked by this determination.

## **GST**

Fees set out in this determination are not exempted from GST. The determined fees are GST inclusive.