

Australia

<b>Background</b>	<b>Name of EMB:</b>	Australian Electoral Commission (AEC)
	<b>Status:</b>	Permanent
	<b>Number of commissioners:</b>	Three
<b>Establishment of the EMB</b>	<b>Number of full-time EMB staff:</b>	665
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	Commonwealth Electoral Act
	<b>EMB's mandate:</b>	Commonwealth federal elections (each state has its own EMB)
	<b>EMB model:</b>	Independent
	<b>What standards are established in the constitution or other legislation for democratic legitimacy?</b>	None specified
<b>Appointment, tenure and removals</b>	<b>Provisions for the appointment of commissioners:</b>	Commissioners are statutory appointments via Governor-General on the advice of the Federal Executive Council. In practice, these are managed through recommendations from the Special Minister of State. The Chair is selected from a list of three eligible judges submitted to the Governor-General by the Chief Justice of the Federal Council.
	<b>Political status of commissioners:</b>	All Commissioners are politically neutral.
	<b>Chair qualifications:</b>	Must be a current or former federal court judge.
	<b>Commissioner qualifications:</b>	<ol style="list-style-type: none"> <li>1. Electoral Commissioner (apolitical senior public servant);</li> <li>2. Commission Chair (former Federal Court judge);</li> <li>3. Non-judicial member (Commonwealth agency head – in practice the Australian statistician).</li> </ol>
<b>Tenure of chair and commissioners:</b>	<b>Tenure of chair and commissioners:</b>	Seven years maximum; eligible for re-appointment.
	<b>Provisions for the removal of commissioners:</b>	The Governor-General can terminate. Non-judicial member will be terminated if ceases to be an agency head (i.e. Australian statistician), absent from three consecutive meetings or fails to comply with obligations.

	<p><b>Provisions for the appointment of EMB senior staff:</b></p> <p>The Deputy Electoral Commissioner and Australian Electoral Officers (state managers) are statutory appointments through the Governor-General on advice from the Federal Executive Council. Other senior staff are appointed through a merit process according to Australian Public Service guidelines.</p> <p><b>Tenure of EMB senior staff:</b></p> <p>Seven years maximum; eligible for re-appointment.</p> <p><b>Provisions for the removal of EMB senior staff:</b></p> <p>Governor-General can terminate appointed staff for misbehaviour, incapacity, bankruptcy, absence without leave, or if he/she engages in other employment without permission.</p>	<p>The Deputy Electoral Commissioner and Australian Electoral Officers (state managers) are statutory appointments through the Governor-General on advice from the Federal Executive Council. Other senior staff are appointed through a merit process according to Australian Public Service guidelines.</p> <p>Seven years maximum; eligible for re-appointment.</p> <p>Governor-General can terminate appointed staff for misbehaviour, incapacity, bankruptcy, absence without leave, or if he/she engages in other employment without permission.</p>
<p><b>Funding arrangements</b></p>	<p><b>Setting and control of EMB's budget:</b></p> <p>The AEC's budget is set through the Australian government financial framework.</p> <p><b>Financial autonomy:</b></p> <p>The AEC does not have financial autonomy to re-appropriate its allocated funds.</p> <p><b>Legal provisions for financial autonomy:</b></p> <p>Governance, Performance and Accountability Act 2013, and the Australian Electoral Act.</p>	<p>The AEC's budget is set through the Australian government financial framework.</p> <p>The AEC does not have financial autonomy to re-appropriate its allocated funds.</p> <p>Governance, Performance and Accountability Act 2013, and the Australian Electoral Act.</p>
<p><b>Electoral system</b></p>	<p><b>Number of chambers/houses within the legislature:</b></p> <p>Bicameral.</p> <p><b>Voting system:</b></p> <p>For the Australian Lower House of Representatives, there is a full preferential voting system with single member electorates. For the Senate (upper house) there is optional full preferential voting/above the line voting (group ticket voting) via single transferable vote. Enrolment and voting in Australia are compulsory.</p>	<p>Bicameral.</p> <p>For the Australian Lower House of Representatives, there is a full preferential voting system with single member electorates. For the Senate (upper house) there is optional full preferential voting/above the line voting (group ticket voting) via single transferable vote. Enrolment and voting in Australia are compulsory.</p>
	<p><b>Amendments to electoral laws:</b></p> <p>Legislation can be proposed through the Federal parliament, the special minister of state (responsible for electoral affairs). Additionally, the Joint Standing Committee on Electoral Matters can recommend legislative amendments to the Commonwealth Electoral Act.</p>	<p>Legislation can be proposed through the Federal parliament, the special minister of state (responsible for electoral affairs). Additionally, the Joint Standing Committee on Electoral Matters can recommend legislative amendments to the Commonwealth Electoral Act.</p>
<p><b>Electoral disputes mechanisms:</b></p>	<p><b>Drafting of electoral regulations:</b></p> <p>The Governor-General makes regulations on advice from the special minister of state responsible for electoral matters.</p> <p><b>Electoral dispute resolution mechanisms:</b></p> <p>Matters can be referred to the Court of Disputed Returns/High Court of Australia.</p>	<p>The Governor-General makes regulations on advice from the special minister of state responsible for electoral matters.</p> <p>Matters can be referred to the Court of Disputed Returns/High Court of Australia.</p>

<p><b>Other issues:</b> <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p>	<p>The Australian Electoral Commission has administrative autonomy to create, promote or abolish staff posts that are not statutory appointments. Restrictions apply to senior executive positions according to guidelines within the Australian Public Service.</p>
	<p><b>Women in senior positions:</b></p>	<p>Overall, women make up 68.2 per cent of permanent positions. Among senior executive staff, there are currently six women out of 20 positions (two of which are vacant).</p>
	<p><b>Administrative structure:</b></p>	<p>The AEC has a decentralised structure with a National Office, state offices in each capital city and divisional offices for each of 150 electorates (although some are collocated). The AEC's National Office has a total of nine branches: Education and Communications; Election Planning, Systems and Services; Election Policy and Reform; Finance and Business Services; Disclosure, Assurance and Engagement; Information Technology; Legal and Procurement; People Services; Roll Management.</p>