

T Wilson-Brown
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Dear T Wilson-Brown

Decision notice on your access application

I refer to your access application made under the *Freedom of Information Act 2016* (FOI Act), dated 8 December 2020. This application requested access to:

"documents held by the Commission, including correspondence, relating to:

- the definition of a "surplus" in the Electoral Act 1992 for the 2020 election,
- the decision of the ACT Electoral Commission to treat the definition of a "surplus" in the Electoral Act 1992 as a legislative drafting error for the 2020 election (as described in the eVACS counting module audit report), and
- the decision of the ACT Electoral Commission to make the 2020 version of eVACS count votes by transferring any surplus calculated, including fractional surpluses (as described in the eVACS counting module audit report)."

Authority

I am an officer authorised by the ACT Electoral Commissioner to make decisions about access to public sector information, in accordance with section 18 of the FOI Act.

Decision

I have identified six documents containing information within the scope of your access application. These are outlined in the attached *Schedule of documents*.

I have decided to:

- grant part access to two documents; and
- refuse access to four documents.

For the reasons outlined in the attached *Reasons for decision*, I have redacted some of the information within the two part-access documents and have refused access to the four other documents under section 35(1)(c) of the FOI Act. This is because it is contrary to the public interest information.

Disclosure of information

The released documents are attached.

Disclosure log

Please note that section 28 of the FOI Act requires publication of access applications and any information subsequently released on our disclosure log

www.elections.act.gov.au/about_us/freedom_of_information

This means that if access to the information is granted, it will also be made available to everyone on our website, unless the access application is an application for your personal, business, commercial, financial or professional information.

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made within 20 days of receipt of this decision notice.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman GPO Box 442 CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at: www.ombudsman.act.gov.au/improving-the-act/freedom-of-information

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ro Spence', with a long, sweeping horizontal stroke extending to the right.

Ro Spence
Deputy Electoral Commissioner

18 December 2020