COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

INQUIRY INTO THE ADMINISTRATION AND MANAGEMENT OF THE 2017 STATE GENERAL ELECTION

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 16 AUGUST 2017**

SESSION TWO

Members

Mr P.A. Katsambanis (Chairman)
Mr M.J. Folkard (Deputy Chairman)
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr D.T. Punch

_____

Hearing commenced at 10.06 am

Mr OZZIE SCOTT COGHLAN
Scrutineering Coordinator, Greens (WA), examined:

The CHAIRMAN: Good morning. On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the inquiry into the administration and management of the 2017 state general election. As the inquiry title suggests, we are interested in how the Western Australian Electoral Commission managed and administered the 2017 election. We are not considering matters such as the voting systems or electoral boundary redistribution, which are legislative matters and, therefore, out of the commission's control. My name is Peter Katsambanis and I am the chair of the Community Development and Justice Standing Committee. I will introduce you to the other members of the committee. The deputy chair is Mark Folkard, the member for Burns Beach; Zak Kirkup, the member for Dawesville; Don Punch, the member for Bunbury; and Tony Krsticevic, the member for Carine. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything you might say outside of today's proceedings. For the record, would you introduce yourself please.

Mr COGHLAN: My name is Ozzie Coghlan and I am appearing as the scrutineering coordinator for the Greens (WA) in the previous three elections.

The CHAIRMAN: Thank you, Ozzie. Before we begin, do you have any questions about your attendance today?

Mr COGHLAN: No.

The CHAIRMAN: Is there an opening statement that you would like to make?

Mr COGHLAN: Given that we are short on time and that my submission is quite long, I will just briefly state that in our interactions with the Western Australian Electoral Commission, they operated in the best traditions of efficiency and objectivity. It was useful to have a particular contact person that the parties could contact, which was Sabrina at the WAEC. I think that was really well taken by all parties—that there was a central point of contact. I also note the particular cost pressures that the WAEC were under in this election. Given those concerns, although there were some cuts that had to be made, including the mail out, which I know has already been discussed, I believe that they did the best they could under the circumstances. We also have some concerns, as raised in the submissions, about the way that iVote was operated.

The CHAIRMAN: Do you want to elaborate on your iVote concerns?

Mr COGHLAN: Yes, I can do. Forgive me if I miss some of the technical detail. Our co-convenor is the technical wonk on this.

The CHAIRMAN: I think you are going to spare us the technical details!

[10.10 am]

Mr COGHLAN: I will attempt to. If you had got my co-convenor you probably would have got a bit more technical detail, but I will attempt to put it in as much plain English as I can. There are concerns that we have about the way that iVote was chosen. There was not a public process about how that

was chosen. We also have some quite serious concerns at the conduct of the iVote scrutiny—that there was only one scrutineer from any political party there, which was the scrutineer from the Greens (WA)—that the scrutiny of that material would have been extremely difficult even if you were an extremely trained software engineer. You would still have to have been very, very quick to gain some of the pieces of information that we gained. It was also somewhat of a concern that there were marketing materials provided to both WAEC officials and all the others present at the iVote scrutiny. There was also concerns about the fact that all the computing equipment used to conduct the iVote scrutiny did not belong to the WAEC. We believe that some of this material was being run out of the New South Wales Electoral Commission—not through the WAEC computers. In fact, in the course of the iVote scrutiny there appeared to be people's personal computers being used. People from Scytl were appearing to use their personal Apple laptops. We have no idea how secure that was. We also have concerns about the content delivery network that was used by the WAEC to provide iVote, which is Incapsula. I know that the committee has received a submission from Dr Vanessa Teague in Victoria from the University of Melbourne regarding some security concerns. I will not go over those. They are covered in a large amount of detail in that submission so I do not intend to bore the committee by going through the details. However, it was concerning that the team at the University of Melbourne discovered the actual server address of the WAEC server. They could have directed a denial of service against it for days and days if they wished to. That did not happen. They contacted the WAEC and that security was tightened but that is a concern. The other problem that we have with Incapsula is that if you look at the marketing materials that were provided with regards to iVote, the whole idea is that the voting server and the registration server are two completely different servers and that is what allows for anonymity. The problem is that if you use the same computer to register for iVote and to cast a ballot in iVote, you will have a cookie in your in your browser, which is how I imagine a large amount of people would have done it. That cookie could then have acted as an identifying piece of information to link those two ballots, somewhat rendering the fact that they are on two separate servers moot. It was also of concern that the offline computer, which was sealed, was unsealed at iVote scrutiny in the presence of scrutineers, but the preparation of that computer and where this computer sat for the conduct of the iVote voting was not available for scrutineers to see.

The CHAIRMAN: To put it in comparative terms, at the start of election morning, the scrutineers of the parties walk in and check the empty ballot boxes.

Mr COGHLAN: That is right. We had no way of seeing an empty ballot box.

The CHAIRMAN: Nobody scrutineered the "empty" computer in the iVote.

Mr COGHLAN: It was not even that no-one scrutineered it, it is that no opportunity was provided to scrutineer it so even if we had wished to, that opportunity was not even available.

The CHAIRMAN: They are significant concerns. Do you have any suggested solutions to improve the process of electronic voting or does your experience raise concerns about whether the security and the audit trail of electronic voting is secure enough to introduce it on a broader level?

Mr COGHLAN: We believe that the current use for disabled voters to be able to cast a secret ballot is a perfectly reasonable use of online voting, especially considering the very small number of ballots that were cast using iVote. As to how it can be improved, to my understanding and from those who have a much better technical understanding, I am not aware of any method that would actually provide a scenario where we would be fully happy and have a full data chain. We are also concerned that any increase in online voting, much as occurs with postal voting, also increases the chance of people's votes being colluded or being influenced in some way, especially given that there is perhaps some—perhaps not simple—method of people going back and checking how they had voted. It was

also of concern that although people had the opportunity to verify the iVote ballot, a very small amount of people chose to verify their ballot. Even once they had verified it, there was no way that they could actually know if it had entered into the count. It is all very well and good for a telephone response to say, "Yes, your ballot has been entered." But that does not provide a physical, scrutineerable means that that ballot has actually gone into the count.

Mr M.J. FOLKARD: Thank you for appearing this morning. I am quite a layman when it comes to this sort of stuff. What I am getting is that you are alleging or stating that there appears to be a clear lack of understanding, for want of a better word, or training, on the part of the electoral commission to understand the electronic mechanics behind the iVote system. Is that basically what you are saying? You said was that there was no way of saying that the actual electronic voting boxes were empty because you did not actually see them. You are also saying that the actual infrastructure that they had in place was such that the anonymity of the voter could be identified if you knew your homework. You also saying that it would appear that certain parts of the process went out of Western Australia offsite, which then identified both servers which destroyed the anonymity of those voting. In summary, is that what you are saying?

Mr COGHLAN: I think it is perhaps not so much a question of the WAEC not understanding the process. I think the WAEC was well informed of the process. To my understanding they followed the exact same process that was followed in the 2015 New South Wales state election. Basically, the conduct of iVote followed as a carbon copy of that. In relation to your question of data being sent outside of Australia —

Mr M.J. FOLKARD: I meant Western Australia.

Mr COGHLAN: In fact, Dr Vanessa Teague at the University of Melbourne and some of her research colleagues actually found that. It is not possible for us to confirm from the outside exactly that data was sent but we know that there were elections.wa.gov.au domains hosted outside of Australia and that those domains could have potentially been used to transmit iVote information.

Mr M.J. FOLKARD: So they could have contaminated whatever was going through. Again, that goes back to security.

The CHAIRMAN: That, of itself, is not necessarily a security concern. It just combines with everything else to create a picture. I do not want to put words in your mouth, but it creates a picture that the process is still less than satisfactory for use as a broader election voting tool. Is that a fair summary?

Mr COGHLAN: To summarise our concerns, we do not believe that there is anywhere near enough transparency in the current procedures for it to be broadened past disabled voters, as it is currently being used. I personally, although this is not the party's position, would perhaps be in favour of some very small increases in the cases of remote polling in extraordinary circumstances. I note that we had the commissioner in front of this committee complaining of the fact that we had to send helicopters to send ballots but we could not conduct online voting. Although we have some serious concerns about online voting, in such a scenario, especially given the cost constraints that the WAEC is often able to run under, perhaps it could be considered—not that we would support it, but it would be reasonable for it to be considered.

The CHAIRMAN: Do you have any comment around voter turnout in younger age groups? How was that impacted on by WAEC actions or resources?

Mr COGHLAN: I think perhaps that the mail out may have been some part of it.

The CHAIRMAN: The lack of a mail out?

Mr COGHLAN: The lack of a mail out. It would be interesting if the WAEC would be able to provide information on how many people checked their enrolment online or checked their nearest polling place online. What I would suppose is that some large amount of particularly young people would have ignored the mail out and just checked online, even if they had received one. I am unsure of the exact cause but it is very interesting that we get that first 18 and 19-year old lot of people voting and then that drops off. I am not 100 per cent sure where that is coming from. I do not think the WAEC's election materials helped.

[10.20 am]

The CHAIRMAN: Do you want to expand on that?

Mr COGHLAN: The advertising campaign with Mr Murderface or whatever —

Mr Z.R.F. KIRKUP: The dark lord?

Mr COGHLAN: The dark lord. Certainly, I am a 29-year-old and people who I know who are 29 years old thought that was a bit of a joke. It was not treated seriously by anyone, I do not think.

The CHAIRMAN: Is there a lesson to be learnt out of that?

Mr COGHLAN: Give young people some credit. Perhaps you do not want to make it excruciatingly boring and mundane, but I think you can risk going too far the other way as well.

The CHAIRMAN: It turned into a dad joke, did it?

Mr COGHLAN: Yes, it turned into a bit of a dad joke; that is a very good way of putting it, Mr Chair.

The CHAIRMAN: That is language that I can understand!

Mr COGHLAN: Yes, that dad joke went down terribly amongst 18 to 29-year-olds!

Mr Z.R.F. KIRKUP: While we are on youth engagement strategies, do the Greens have any perspective or viewpoint or assessment, I suppose, of strategies to encourage voting amongst Aboriginal communities or culturally and linguistically diverse communities?

Mr COGHLAN: We were happy that in areas where there were large amounts of cultural and linguistic diversity that the WAEC did make a special effort this election, and at least from an initial analysis of, say, informality rates, that there was a drop in informality in those communities. I personally did not conduct a lot of the remote polling activities, so I cannot really comment on the Aboriginal communities.

Mr M.J. FOLKARD: Did the Greens have any comment on pre-polling—the length of pre-polling and the number of pre-poll stations?

Mr COGHLAN: Yes, we did feel that some of the pre-polls were out of the way and did not cover some parts of the metropolitan area. I have to say there has been a discussion of whether it is going to be a three-week window or a two-week window and then we extend to after-hours into weekends. That would perhaps be something that WA Greens would be in favour of, especially given the rather small amount of votes; I think it was only about 30 000 ballots in the first week. We do not have a specific position on that. In terms of the conduct of the pre-poll though, our preference would be that consistently across the board, a table is placed inside the pre-polling centres and that is the means by which how-to-vote materials are distributed at pre-polling.

The CHAIRMAN: So, that would be your position on pre-polling—that you do not have campaigners setting up tent cities.

Mr COGHLAN: That is right. That is our preferred policy position in terms of election day as well. Any time we can make it so a voter does not have to run the gauntlet, we should avoid making a voter run the gauntlet.

The CHAIRMAN: Do you have any comments as to whether running the gauntlet is just seen as part of the colour and movement of election day and is generally accepted by voters or whether it detracts from participation?

Mr COGHLAN: I think maybe for young people it is a bit of a turn-off. If you have voted in a large number of elections, you know what to expect. Before we were talking about youth voting and that drop-off that we are seeing. I can imagine the scenario where an 18-year-old first-time voter turns up to a very busy polling place—say, split booths, there is lots of stuff going on, there is lots of signage—and sort of just gets a bit freaked out by the whole process. I could then see that as a factor for the voter next time going, "You know what, I had all these people trying to shove me something. I'm just not going to bother this time." I could see that as being a factor, although not one that I would agree with.

Mr M.J. FOLKARD: What about the flexibility for timings in pre-poll?

Mr COGHLAN: I did spend a lot of time at pre-polls. I spent a lot of time in particular at the Fremantle pre-poll.

Mr Z.R.F. KIRKUP: Was that busy?

Mr COGHLAN: The Fremantle pre-poll, much like a lot of the other pre-polls, was excruciatingly quiet the first week and the second week and rather busy the third week. There was concern with some of the pre-polls about just some basic stuff like party workers having access to bathrooms, access to disabled bathrooms for disabled voters and stuff like that. There was quite a number of concerns just in terms of the nuts and bolts of that sort of stuff—storage of materials at pre-polls for parties. There were inconsistencies. Some pre-polls allowed materials to be stored and some did not.

The CHAIRMAN: Do you think there ought to be more consideration given to providing statewide guidelines or procedure manuals for these things?

Mr COGHLAN: Yes.

The CHAIRMAN: At the end of the day, we know when the next election is going to be.

Mr COGHLAN: Yes, that is right.

The CHAIRMAN: We may not necessarily be able to secure pre-poll centres now—in fact, it is going to be very hard to do so—but we can put all these procedures in place so that everyone is clear and when you roll up to Joondalup, the rules are not different to the rules in Fremantle or the rules in Balcatta.

Mr COGHLAN: I did notice in the Liberal Party's in-person testimony to this commission that they were arguing that because people were allowed to hand out how-to-vote cards on election day, for reasons of consistency, the WAEC should be compelled to sign leases where workers would be able to attend. To my mind, in terms of consistency, I cannot imagine that scenario—the WAEC being able to sign leases that party workers can have access everywhere. I think in terms of consistency it would be more consistent for the conduct of the pre-poll that if you voted pre-poll in Joondalup or Fremantle, there was no party worker and just material on tables inside, that was properly regulated and only contained how-to-vote material from registered political parties and not from third parties. I think that would be a more consistent solution for pre-poll.

The CHAIRMAN: Why would you limit that material to registered political parties? Is it because the material ought to be how-to-vote material?

Mr COGHLAN: Yes, in our experience from the previous federal election, the AEC did have such tables inside their pre-poll voting centres. The rules that the AEC applied were that it must be how-to-vote material only; it must be properly authorised, as all how-to-vote material is; and that it would be placed in ballot paper order to remove any argument about who gets prime possie. I think that set of rules could quite easily be applied for the next state election and would work rather well. My own personal experience is that I voted at the Tangney pre-poll in the federal election. There were two people who walked in behind me, both of them did not take any how-to-vote material from the party workers outside. When they got inside, mum took the Labor one and the daughter took the Greens one and they both went into the booths and voted how they chose.

Mr M.J. FOLKARD: What are your thoughts on the use of commercial pre-polling venues versus local government venues?

Mr COGHLAN: I have some concerns about some of the security stuff around using local government centres. There may be some questions about people incoming and outgoing. But this can also be a problem with commercial premises. I think the problem we have a lot with commercial premises is not necessarily always with the building managers of these premises, but of the other store holders; this is the point at which conflict often occurs, in my experience. Anyway that that can be mitigated —

Mr M.J. FOLKARD: Yes, it is the suggestion of something like the town hall or something along those lines versus a shopfront.

Mr COGHLAN: Yes, that would probably seem preferable and would allay some of the concerns about things like bathroom access. Town halls are compelled to have disabled bathroom access available, so that would allay some of the nuts and bolts–type concerns. Parking also caused quite a lot of concern. At the Fremantle pre-poll if you were an older voter and you had to park there, there was very, very little street parking, there was only paid parking, so a large amount of people who voted at the Fremantle pre-poll had to pay to vote at the Fremantle pre-poll. That is not an ideal scenario.

The CHAIRMAN: One of the issues raised at local government is the security of the premises, given that so many people may have access keys or access codes to those premises, so securing it exclusively seems to be the number one reason why these premises are not used more often, but you would imagine that could be overcome.

Mr COGHLAN: Yes, I would imagine that could be mitigated, if not entirely overcome, but I would imagine that this is also the problem we have with commercial premises. At 9.00 pm the Fremantle pre-poll had a cleaner arrive to clean the floors, the bathrooms and whatnot, and I am sure they had keys to all sorts of places. Who is to say that they did not have a key to the pre-poll? I am not saying that they did; I am not saying that they did not; I am saying that I do not know whether they did or they did not.

[10.30 am]

Mr M.J. FOLKARD: That is more of a mechanics issue, rather than a —

Mr COGHLAN: Yes. I agree it is an issue of mechanics, yes.

Mr M.J. FOLKARD: Sure. Thank you.

Mr D.T. PUNCH: Third party participants have been raised with us. Have the Greens got a view about the role of third party participants in campaigns or whether or not they should come under the governance of the WAEC and in what form?

Mr COGHLAN: We do not have a formal position, no. My own personal view is that some of the other submissions made to this committee with regards to proper authorisation seem reasonable. All electoral materials being authorised should be reasonable, but it very much becomes a question of: where do you draw a line in terms of WAEC funding and where do you draw that line? That is an interesting question and one that was raised today with the example of if you are going to have a kindergarten wishing to hand out material or if it is a public figure like Hugh Jackman, whether that is—I think it becomes all very difficult about where you draw lines.

Mr D.T. PUNCH: Yes.

The CHAIRMAN: At the end of the day, we want to facilitate debate, public discussion, free expression, so we have to be very conscious of that, and I think all the political parties in Australia have done a good job.

Does your party actively participate in postal voting? Do you send out postal vote applications or process them on behalf of the WAEC?

Mr COGHLAN: No, so we do not process postal vote applications. We do not actively send out postal vote applications. The only two ways that the Greens (WA) in any way conduct postal vote applications is we distribute them from a member of state Parliament's office. If someone comes into Robin Chapple's office down the road and asks for a postal vote application form, we will give them one. If someone walks into the Greens (WA) office and says, "I want a postal vote form", we will give them one, but we will give them one that is the WAEC postal form that is not altered in any way, which returns directly to the WAEC. I did note that the Greens (WA) was asked by the commissioner not to distribute any PVAs and we were happy to comply with that.

The CHAIRMAN: Okay. Do you have any comments generally about how postal voting has been conducted in this past election and perhaps the impact of service changes to Australia Post?

Mr COGHLAN: Yes. So I think that if you lived in the north west and you left your postal vote a bit late, you might have been in a bit of trouble. You might have been in a serious amount of trouble about whether your postal ballot might have actually arrived and been—I think it was the Thursday after election day, if I remember correctly. So, yes, there were serious concerns about whether Australia Post could deliver ballots in that time. There were also concerns that we have that these postal vote applications that are often distributed by political parties often contain return addresses like returning officer, which suggested that is perhaps going to a WA returning officer when, in fact, it is oftentimes being returned to a political party. We also have concerns that voters are not aware that this material may be read by the political party and entered into databases. We are also concerned that there is a potential for stockpiling of PVAs. A party receives a whole lot, keeps them, keeps them, keeps them and then sends them off at the last minute to the Electoral Commission thereby delaying the process for the Electoral Commission.

The CHAIRMAN: Any other questions, members? Did you have anything you wanted to tell us that we have not had the opportunity to speak about today? It is a very broad topic.

Mr COGHLAN: Yes. I am just trying to think if there is anything else. So a relatively minor point, but as a party which often sits in the Council, we would prefer to see that the CountWA software used for conducting Legislative Council elections is made open source and that a full dataset of below the line ballots and ticket votes be provided so that that count can be independently verified. Particularly, we had a case in East Metropolitan where the outcome that was delivered was not necessarily the outcome that was predicted based on our internal modelling and the internal modelling of others such as Antony Green. Now, we do understand why that has occurred subsequently. That has been explained by the WAEC and others. But we would feel that if CountWA

was to be made open source, then it would be made much more easily available for parties to understand how that process worked.

The CHAIRMAN: Would that be in line with what the AEC does?

Mr COGHLAN: That is most certainly not in line with what the AEC does. The AEC's is commercial-in-confidence. We have serious concerns. The AEC having commercial-in-confidence software to conduct such a crucial part of the election process is concerning.

The CHAIRMAN: Okay. Thank you for your evidence before the committee today. It is really appreciated. As I said earlier, and I think you were here in the back of the room, we are all key stakeholders in this and that is why it is important to all of us and I think post-election at 6.00 pm on a Saturday all the parties come together and we have far more that unites us than divides us and that is what we are getting through this process that we are undertaking.

A transcript of the hearing will be forwarded to you for the correction of minor errors. Any such corrections must be made and the transcript returned within 10 working days of the date of the letter attached to the transcript. If the transcript is not returned in that period, it will be deemed to be correct. You cannot actually use the corrections process to add new material or to change the sense of your evidence in any way, but if you want to provide additional material or elaborate on any of the points we have discussed today or any of the points in your original submission, please feel free to include a supplementary submission.

Mr COGHLAN: Can I just place one more thing very briefly on the record, Mr Chair?

The CHAIRMAN: Certainly.

Mr COGHLAN: That is just our thanks for all of the staff who were at the count centre. I spent an inordinate number of hours at the count centre and all of those staff—the contract staff, the cleaners, the security staff—operated in the best tradition of the WAEC.

The CHAIRMAN: Excellent. That is good to hear, thank you. All the best.

Mr COGHLAN: Thank you.

Hearing concluded at 10.37 am

_____