



WESTERN AUSTRALIAN
Electoral Commission

Inquiry into the administration and management of the 2017 State general election

I have already commented extensively on the published terms of reference as recorded in Hansard, Inquiry Scoping Hearing 21 June 2017. Additional information has also been provided in response to questions taken on notice on that occasion.

This submission provides an overview of election participation, a summation of the Commission's election management performance and, looking to the future, recommendations for the modernisation of Western Australia's electoral system.

As a starting point, I attach a copy of the *Strategy and Commitments Charter* which the Commission issued to stakeholders in the lead up to the election. It sets out the Commission's overriding objective to conduct the election in a way that was:

- independent, impartial and lawful;
- accurate, secure and verifiable;
- highly efficient and professional; and
- open and accessible to all eligible participants.

By any measure that may be applied, all of those objectives were attained.

Participation at the 2017 general election set a new record, evidenced by the number of enrolled electors - 1,593,222 (a 12.8% increase compared with the 2013 election), of whom 1,384,000 actually voted (well up on the 1,184,432 in 2013). This increase in participation was significantly assisted by legislative amendments enacted in 2016 which, in addition to allowing direct enrolment, removed the eligibility requirements for early voting. To meet the increased level of early voting the Commission established 66 early voting centres throughout Western Australia, interstate and overseas, and

increased resources at our central count centre to cater for the counting of those votes on election night. Voting also took place at 72 remote locations, 266 special institutions (mainly hospitals and nursing homes), 5 drive-in polling places and 752 Election Day polling places.

I note that the Inquiry's terms of reference include the security of electronic ballots. Internet voting was introduced as part of the 2016 amendments, to provide people with disability or an incapacity the ability to vote in secret. 2288 electors did so, with post-election feedback reporting favourably on their experience. The system deployed was based on the *iVote* system which has operated successfully at the past two New South Wales general elections. I refer the committee to comprehensive inquiries that have already been undertaken by the NSW Parliament's Joint Standing Committee on Electoral Matters and Victoria's Electoral Matters Committee, both of which included detailed consideration of *iVote*:

http://www.elections.nsw.gov.au/about_us/plans_and_reports/ivote_reports

<http://www.elections.nsw.gov.au/>

http://www.elections.nsw.gov.au/_data/assets/pdf_file/0004/93766/July_2011_Final_AC_G_iVote_Report_ELE01-C_Final.pdf

<https://www.parliament.vic.gov.au/inquiries/article/2825>

The overall level of participation in this election was also aided by a reduction in the level of informal voting, particularly for the Legislative Assembly (down to 4.5% compared with 6% in 2013). This compares favourably with those other Australian jurisdictions that have full preferential voting for their lower house.

Some districts with a high proportion of Culturally and Linguistically Diverse (CALD) electors recorded a level of informal voting higher than the state average, but there was still a pleasing reduction. In the lead up to this election we consulted widely with relevant peak bodies seeking advice on how their community's needs might be better

served. A number of initiatives resulted, most notably the engagement of over 30 CALD Electoral Ambassadors to become an information resource within their community and to assist as Electoral Information Officers in polling places that had a known concentration of electors from a particular language group. Every polling place and early voting centre was also supplied with tablet devices loaded with multi-lingual voting instructions. A booklet outlining in three easy steps the importance of enrolling and voting was mailed to households in areas with large ethnic populations as well as advertising in ethnic newspapers and on Facebook.

In the district of Mirrabooka which has a high proportion of CALD electors the informality rate fell from 9.96% to 8.54%, indicating that these initiatives had a positive impact. With the resources available at future elections, the Commission will continue its efforts to improve participation levels among CALD groups.

There is more that needs to be done to promote participation by indigenous electors, who still face significant barriers. It is not possible to provide precise data on participation given that indigenous electors are not specifically identified on the electoral roll. However by reviewing participation rates in electorates where we know that indigenous people feature more prominently, it is clear that they are underrepresented both on the electoral roll and as a proportion of voters. Legislative Assembly districts such as Kimberley, Pilbara, North West Central and Kalgoorlie fall into this category.

Addressing this issue is by no means straightforward. For each Federal election the Australian Electoral Commission undertakes a range of activities to engage with Indigenous electors, such as radio advertisements translated into different indigenous languages and employing local assistants in remote polling places who speak the relevant local language. Unfortunately the Western Australian Electoral Commission is not resourced to conduct indigenous engagement activities on the same scale, but would be keen to do so if the necessary resources could be made available, including longer visits to each remote location. One point to be borne in mind is that even with

increased awareness activities, there are other factors which impinge on indigenous participation which the Commission cannot influence directly, such as education levels, cultural activities and the transient nature of sections of the population.

With regard to electors in the 18-30 age group, there has been a worrying downward trend worldwide in levels of engagement. This reinforces the need for electoral bodies to maximise the use of advanced technology and thus appear relevant to a new generation of electors. Importantly, politicians also need to review how they set out to engage with younger people, an issue brought into sharp focus by the continuing decline in political party membership. Consideration should also be given to expanding civics education in schools to provide greater focus on the importance of political awareness and electoral participation.

A well-run election is not only reflected by the number of voters but by the quality of each elector's voting experience. In a random post-election survey of 1200 electors conducted on the Commission's behalf, electors reported a high level of satisfaction with the assistance provided by election officials. Most found polling place staff helpful and the polling place location convenient. Queues were not reported as a particular issue. 47.6% of electors surveyed recalled seeing some form of WAEC advertising. The overall level of satisfaction among political parties and individual candidates was also high.

The fact that the Commission was able to achieve such high levels of stakeholder satisfaction despite operating under difficult financial constraints is also worthy of comment. The Commission's budget allocation for this election was the same as for 2013 (\$18.5 million). This was a significant reduction in real terms, taking into account CPI increases in the intervening period as well as the need to cater for an additional 200,000 electors. Remaining within the budget allocation was a significant achievement in itself.

In summary all indications point to this election being on a par with, if not more successfully managed, than any other election in the State's history. I am particularly proud of the contribution made by Commission staff, returning officers and the more than 7000 electoral officials employed in polling places on Election Day.

Looking to the future, it is high time that our electoral laws were brought into the 21st century. Western Australia's Electoral Act dates back to 1907. Many provisions remain couched in antiquated language and reflect an approach to electoral administration that is long past. While there have been numerous amendments since the Act was originally drafted, the incremental nature of those changes has resulted in gaps and inconsistencies that defy accurate interpretation. A complete re-write is long overdue.

While there was an increase in 2017 in the number of electors who chose to vote by post (111,761 compared with 74,693 in 2013), the sustainability of this method of voting is open to question given the ongoing decline in the scope and timeliness of postal services. There is a very real risk in future that increased numbers of postal votes will not be admitted to the count because they are not received in time. To safeguard participation in remote areas consideration should be given either to extending the deadline for receipt - currently, 9 p.m. on the Thursday following Election Day (but noting that this could delay the declaration of some results) - or broadening the eligibility requirements for internet voting to include electors in remote areas.

Consideration should also be given to whether the laws governing the disclosure of political donations are equitable. Section 175N of the Act requires political parties to disclose all donations of \$2,500 or more, but with a rider: any party which is registered at both State and Federal levels is entitled to submit their Federal disclosure return in fulfilment of its State disclosure obligations. Given that the current Federal disclosure threshold is \$13,500, this means that whereas a donor of \$2500 to a State-only registered party must be publicly disclosed, another person or body could donate the

much larger amount of \$13,499 to a party with dual Federal-State registration and not be disclosed.

Recommendations

- 1. That a comprehensive review of the Electoral Act be commenced at the earliest opportunity.*
- 2. That all registered political parties and associated entities should submit disclosure returns under a single set of rules.*
- 3. That a trial of internet voting be undertaken at future WA parliamentary and local government elections as an option for electors in remote areas and those absent from the State on Election Day.*

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Electoral Commissioner

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