

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

HEARING WITH THE WESTERN AUSTRALIAN ELECTORAL COMMISSION



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 18 AUGUST 2021**

SESSION ONE

Members

**Ms L. Mettam (Chair)
Mr M.J. Folkard (Deputy Chair)
Ms K.E. Giddens
Ms D.G. D'Anna
Ms J.L. Hanns**

Hearing commenced at 10.36 am**Mr ROBERT KENNEDY****Electoral Commissioner, Western Australian Electoral Commission, examined:****Mr CHRISTOPHER AVENT****Deputy Electoral Commissioner, Western Australian Electoral Commission, examined:**

The DEPUTY CHAIR: Welcome. I would like to begin by acknowledging the Whadjuk Noongar people, the traditional owners of the land on which we meet today, and pay my respects to elders past, present and emerging. On behalf of the committee, I would like to thank you for agreeing to appear today. One of the functions of the committee is to review the agencies within its portfolio of responsibilities, which includes electoral affairs; so thank you. My name is Mark Folkard, I am the Deputy Chair of the Community Development and Justice Standing Committee and the member for Burns Beach. Unfortunately, the member for Vasse is an apology in that space, but I would like to introduce the other members of the committee. To my right is Kim Giddens, MLA, member for Bateman; Divina D'Anna, MLA, member for Kimberley; and Jodie Hanns, MLA, member for Collie–Preston.

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 that you might say outside of today's proceedings.

Before we get into our questions, would you like to make an opening statement?

Mr KENNEDY: No, I am fine to jump straight into questions, if you like, chair.

The DEPUTY CHAIR: Straight into it. I love it! I suppose the biggest thoughts were, based on the pandemic, how do you reckon that the election planning went and how do you reckon the election went?

Mr KENNEDY: We were pretty happy with the overall outcome, given the pandemic situation. Obviously thrust into it 12 months out does not leave you with a lot of time in terms of the planning that usually goes into an election, but I think the organisation responded very well, and, overall, I was very happy with the outcome. The turnout was disappointing, but, as I think I said in the state election report, which we have published, we do not have any concrete evidence as to why our turnout was where it was at, but I suspect that a lot of that was to do with the pandemic situation and people were reluctant to come out and vote in person. But some of it may also have been due to, shall we say, the unique circumstances of the election and the feeling amongst some of the community that the result was something of a foregone conclusion and they did not feel the need to participate, perhaps, but, again, that is speculation on our part. We did not get that necessarily through any of the feedback that we were receiving from people.

[10.40 am]

The DEPUTY CHAIR: Could I ask you, what were your thoughts on pre-poll? Do you think that worked well?

Mr KENNEDY: I think it worked as well as it could under the circumstances, given we had quite a significant increase in the number of early voting centres and in the number of people who chose

to use early voting either in person or post. Postal remains an issue for the commission, as it does for any of my colleagues around Australia. We are coming up to the local government elections in October, which are entirely by post, or mostly by post, and we are engaging with Australia Post quite closely following the state election to try to, I suppose, improve as best we can some of their delivery standards and iron out some of the bugs that we had at the state election. But I think there are several issues that arise out of the early voting in person that the commission needs to look at for the next election. One of those is the premises that we use. Obviously, schools are not available, given the time periods that we are open for early voting in person, so that means we are out in the market with everyone else competing for commercial leases. I think some of the premises we identified, which I can tell you was a rush up until basically the end of January to try and find places, it is extremely difficult for the organisation to be able to secure leases in the commercial market. Landlords are not interested in a six-week lease, and I suspect, after some of the experiences they got this time, they will not be that interested in having hordes of people and party workers out in front of their premises, either.

The DEPUTY CHAIR: Yes, talking in that space, I know that at the last electoral review, I think the committee raised with you the utilisation of local government halls rather than commercial premises. We know four years out exactly when our next election day is. Why did we not go down that road? Why did we maintain commercial premises?

Mr AVENT: I can advise that we did. Once we identified a suitable geographic distribution of early voting centres, we identified a significant number of early voting venues, and we communicated with those, but in most cases, they do not have the capacity to give us the venue for a full three-week period. They might say, “Look, Monday nights are out, because we have yoga or we have badminton on another night”, and so on. We did utilise a few where they had multiple rooms, and we could hire one, which was sufficiently secure and of a sufficient size to be able to—but once we had gone through that, we were then in the commercial market. But we certainly did endeavour to get as many local government facilities as we possibly could.

The DEPUTY CHAIR: The barrier, then, was actually local government saying, “Hey, we’ve got other commitments in that space”?

Mr AVENT: Or simply saying, “No, we don’t want to lease our place out on a short term for that purpose”, yes.

Mr KENNEDY: It would mean disrupting a community group who had a longstanding booking or a longstanding arrangement with the local government, and, in fairness, we do not want to make enemies out of those parts of the community either, so we can understand their position. It might just be the local dance group or the local bridge club or something, but word soon spreads, thanks to social media, that the state government is coming in and muscling in on these local government premises.

The DEPUTY CHAIR: But four years out gives you the opportunity to actually say in that space, “Hey, listen, why don’t we book this four years out?” What would be your thoughts in that?

Mr KENNEDY: It does give us that opportunity to go to them earlier, but I do not know that it will change some of those local government minds. They would rather have their regulars in their premises rather than us coming in for a three-week period with all the associated, shall we say circus, that goes with it.

Mr AVENT: Some did say, “Yes, we could lease it to you, but you can’t use it on Wednesday the such and such, and you will need to get out each day so we can use the facility in the evening”, and so on, so, obviously, that is not a viable option. But certainly we did use a few local government ones

where there were multiple rooms or function rooms and we could secure a particular one, but we did certainly investigate the capacity to engage those.

Mr KENNEDY: We have in the past, too, run into problems where candidates are recently departed local government members from that local government area, and that runs a risk that it drags us into the he-said, she-said campaign about, you know, candidate X is getting the advantage because they were just the mayor three weeks ago and their plaque is on the door saying they opened this facility, or something. We have to approach that issue very carefully.

The DEPUTY CHAIR: Yes, I understand where you are coming from. What were your thoughts, then, of the electoral run and the election day, the electoral period? How did you find that?

Mr KENNEDY: In terms of a period versus the single day?

The DEPUTY CHAIR: Yes.

Mr KENNEDY: I think it ran quite well. As I said, the community certainly responded, from what we have seen, to the election period, the option to vote in person over those 13 days rather than on the day. The evidence we have had from our market research that we do after every election suggests that people certainly heard our message about COVID, and it was in the top three reasons why people chose to vote early, but the other two reasons were primarily around convenience and the number of choices that they had and the fact that they could go to any particular early voting centre and cast a vote wherever they were in the state regardless of whether they were inside their district or outside. The other interesting bit of information that came out of that survey is we asked people whether they would—we had 55 per cent vote in person either by postal or in person at this election. When we asked them during that survey about their intentions at the next election, it was up to about 75 per cent who said that they would choose to vote early. The anecdotal feedback we got from a lot of our staff was that people did not realise that they could vote early; they thought they still needed to have an excuse, which was something that was removed much earlier in the piece. There was some confusion with the federal system where you are supposed to provide a reason as to why you need to vote early, but we pushed the message very hard and as often as I could that people needed to be reminded that they did not need a reason or an excuse, and, when they found out, they were more than happy to do it.

Mr AVENT: Certainly, it was a deliberate strategy. Obviously, because of not knowing what the status with COVID would be as at the time of the election, encouraging people to vote early, if suddenly there was a lockdown period or some serious community transmission issues, having increased the number of early voting centres in the metro area from 12 to 45 certainly created a far more convenient arrangement for many people. As Robert said, in 2017, 75 per cent of Western Australians voted on election day, whereas this time it was 45 per cent. From our perspective, the strategy of flattening that peak where there was a high level of concentration and social distancing was harder to achieve. It certainly was an effective strategy from our perspective.

The DEPUTY CHAIR: What are the sort of cost impacts, then, to move to that strategy?

Mr AVENT: Significant.

The DEPUTY CHAIR: Does it blow out percentage wise?

Mr KENNEDY: I do not know that I could give you the exact numbers, but certainly in terms of accommodation and staffing were the two big—probably staffing. There is a breakdown in the report and I think staffing went up significantly, primarily due to the fact that we had to have staff in those 70 centres for 13 days rather than just bringing everyone in on the single day.

Ms J.L. HANNS: I did pre-poll for almost the whole period myself, and I can absolutely concur that staffing from a volunteer perspective is also a challenge, too.

Mr KENNEDY: Yes.

Ms J.L. HANNS: Some of the experiences people had that came to—one of the pre-poll locations was in Bunbury, so it was a central point for the seat of anywhere in the state, essentially, but certainly Bunbury, Collie–Preston and Murray–Wellington. I want to ask about some of the experiences of those people around disability access and particularly aged people coming to vote, because they do like to turn up on voting day, we have noticed that, pretty successfully. Some of the facilities there definitely were not up to making it easy for elderly people to come in on walking frames and that sort of thing. I guess there are two questions for me: when we look at a location, obviously we have to find something that is available, but who does the assessment of the disability access? I have one other question that sort of links to that, as well.

[10.50 am]

Mr AVENT: We have developed a pro forma whereby we assess all voting venues, including polling places on election day, of course. The returning officers do those assessments in terms of polling places. For this election, given the COVID scenario and our decision to increase the number of early voting centres quite significantly, we developed a requirements document. Some of those were absolutely essential and others were desirable. In the case of the election, we engaged commercial leasing agents through the Department of Finance. They were on a panel. They had those requirement specifications and then tried to find the best location both in terms of accessibility and geographic location. In the south west, we increased some venues that we had not used before, such as in Margaret River, and so we increased the numbers slightly in the country but significantly in the metro area in terms of total numbers. It is hard to find venues for a three-week period, and, as Robert said at the outset, often, if we approach them in September or October, they will say, “Come back and see me in January or February, and if it’s still available, and hopefully it’s not, we’ll talk turkey then.” That is one of the dilemmas. Sometimes, some of the venues were not at the peak of accessibility that we would like, but it was a matter of what was available.

Ms J.L. HANNS: Excellent. I guess, just to give you an example to preface my question, we had the centre that was running in Bunbury. The disability parking was right outside the front door. The only ramped access, the actual verandah, was 300 metres back up the parking bay, so people had to get out of their cars, come through and on to the verandah. There were several people who attended who actually sat in their cars and the people brought the ballot papers out to them, which in the heat, particularly for older people, was very successful. It almost made me think, given that we have drive-through COVID clinics, whether or not we could look at something like that where people are able to vote in their cars easily with a sort of drive-through service.

Mr AVENT: We do advocate to all our early voting centre managers and our polling place managers and at training that if someone has difficulty in accessing the venue from their vehicle, then ballot papers can be taken to their vehicle. That is included in our manuals and our instructions, and that can occur at any venue, as long as the vehicle is within reasonable distance of the entrance.

Mr KENNEDY: Sorry, if I could just add: I raised the same question about drive-through voting, which has been done previously in the state. I think there was a universal groan amongst the staff when I raised it.

Ms J.L. HANNS: No doubt!

Mr KENNEDY: It was not a pleasant experience the last time it was done, apparently, for various reasons, number one of which is finding a car park that we can access and use, and obviously I

suspect we have to pay for it in some way when we do. But it is certainly something that I think we should look at again if we are in that same sort of situation, because that was the exact thinking that I had. If we can get people tested for COVID without having to leave their car, then voting becomes a similar issue, although obviously it is going to take more time for people to fill out a ballot paper than to do the test.

The DEPUTY CHAIR: Not with five-hour, six-hour, 12-hour waits to go through! I think that will negate the issue.

Mr KENNEDY: Yes.

Ms D.G. D'ANNA: Just following on from a similar thing about access to the voting centres, especially in remote communities, my understanding is that it was different with COVID, when we went to old people's homes or care centres for voting, but also in communities, where there are no real care centres, and giving those people access to go and vote. I know that in the remote communities, the polling staff were very minimal. That is also about the staff. You said you had an increase in staffing due to COVID, so I wanted to ask: Where did the staff come from? Were they utilised in their regions or in their communities? I know that when we were going out in the communities, there were four people who were trying to do 20 communities on the same day, and had very small windows to just squeeze it all in.

Mr KENNEDY: Yes. Remote polling for us remains a difficult problem—a challenge for us. I am happy to hear suggestions that anyone has on how we can improve it. I am not sure that any electoral commission around Australia that has significant remote polling has managed to crack it yet. I suspect the simple solution is more resources and more people. At the moment, yes, you are right, we spend in some cases only a few hours in some of the remote communities. That may not be long enough, and we may need to look at extending those periods to ensure that we give a few days for people to come in off country into the community to be able to cast their vote, rather than two or four hours where we fly in and then fly out on to the next one. It does essentially come down to cost and resources in terms of being able to afford to do that, which in the past we have not. This election, although we were probably able to do it from a budgetary point of view, we faced the traditional problem that we always face, which is just finding people who are willing and able to do it. And we do generally source staff from within those particular regions where we can.

Ms D.G. D'ANNA: Okay. Just another question on sourcing the staff into the communities, but also in the remotes—and I guess everywhere else, in multicultural communities here, as well—about the interpretation and understanding and helping people. There were some places where I was standing there in this little school and there was a fence over there, and you try to help them and then they are turning back, and you tell them, “No, no, you can't leave, you just look at the paper and ask the man.” I was shouting across the room, because you tell them and they forget or do not understand within five minutes. What about having the support people or the additional interpreting service or something in regards to that?

Mr KENNEDY: Yes. We certainly produce hard copy materials in multiple languages and also audio recordings. I am not sure whether those went out with the remote teams or not.

Mr AVENT: Yes. On the tablets there was a video on how to mark your ballot paper in Martu, Kriol and Pitjantjatjara—I can never say that properly—so three Indigenous languages were included on that tablet.

Ms D.G. D'ANNA: Yes, that is in the Pilbara. Also, I guess having that there, but some of the more traditional people do not have the tablet, and forget from the five minutes that you are trained to do it and walking to the actual station where you mark your paper.

Mr KENNEDY: Having an assistant.

Ms D.G. D'ANNA: So having that person there. I guess it is a fine line between who is what, but even having, you know, let us say for example a person from the Kimberley Interpreting Service—a Walmadjari person, a Gooniyandi person—for each region, that will stand there for help. They would not escort everyone and help them all, but be on standby should they have trouble.

Mr KENNEDY: Yes.

Ms J.L. HANNS: Divina, we had a similar example where some people came who were legally blind. I know that this particular person on one day brought a helper with him, and then somebody else came with the other person the next day. I am assuming the ballot papers are not in braille, so what is the assistance that people who are visually impaired can access?

Mr KENNEDY: Yes, I will give you a general answer; Chris can give you some more specifics. Certainly, there is a section in the act that refers to technology-assisted voting, which is specifically designed for people with a disability. We have a couple of systems that we have developed ourselves, particularly for sight-impaired voters, but they are not widely dispersed throughout the state. Unfortunately, they are only available I think in the metro area in terms of vote assist.

Mr AVENT: Telephone assisted voting.

Mr KENNEDY: Telephone assisted voting was the option that we used this time for people, so they could use that facility if they were vision impaired. Chris, if you want to add anything.

[11.00 am]

Mr AVENT: Telephone assisted voting, the way that works is we have two call centres. One was run by MSWA in Belmont, and that was the application call centre, where a person would ring up, they would be given an ID number and they would identify a pin. At the second call centre, they would simply give that pin and their ID number. The call centre staff would not know who the person was and would not have access to the roll; they would simply enter the two reference numbers and it would come up that, yes, this person is registered, and then they would complete the ballot paper on their behalf, and a second person would view and listen to ensure that it was done correctly. That is a model that was developed in some other states. It has been used at the federal election, plus in Victoria and in Queensland, so we adapted it to suit our electoral system for this occasion, and then we marketed it through the various peak bodies and representative organisations over 35 different community groups or peak bodies, and we also promoted it in literature, like, information radio and things like that.

Ms J.L. HANNS: Is that something that, coming back to Divina's point about culturally and linguistically diverse, whether that service could be expanded to include those people?

Mr AVENT: Yes. At present, the way the legislation was crafted, and we have had legal advice on this, it is very much targeted for people who have accessibility or disability problems as opposed to CALD electors for whom English is a second language. But then it gets a bit murky, because it says "someone with a literacy issue", so from our perspective, we believe that if someone said, "Look, my first language is Sudanese and I can't read English", then our view was that that was acceptable for them to use that. But it is a hard one in terms of how far you promote it, because otherwise it could be utilised by all and sundry and not within the spirit of the legislation as it was passed.

The DEPUTY CHAIR: That leads to the question about in 2017 when we had the iVote system. I understand we were not able to use it this time; something to do with the licensing in that space.

Mr AVENT: I can explain that if you wish, chair. We were planning to use iVote again. COVID hit New South Wales. Their local government elections were changed and they were going to be running

them in March, at the same time as our election. In the end, they were deferred further, but New South Wales contacted us and said, “iVote will not be available to the WA Electoral Commission.” In the six months available, we certainly did not have time to source, test and develop an alternative, so, for that reason, we shifted to the technology assisted voting platform that was being used in most other jurisdictions, and that was telephone.

The DEPUTY CHAIR: Okay. With the next election and the lead-in time in that space, are we considering either developing our own equivalent to iVote or are we considering purchasing a market product that fits that space?

Mr KENNEDY: I am certainly very keen to develop our own product. That relies on convincing the government to give us some money to do that. The first step in that process is something I hope to be able to do by the end of the year, which is at least go out to the market and find out what is out in the market at the moment. iVote is the only solution available at the moment being used by any other electoral management body in Australia. That does not necessarily mean I want to be tied to iVote, so, as a first step, I at least want to find out what is out there, and if we were to develop something, buy something or modify something, what is a ballpark consideration? I think I need that kind of information before I can go anywhere near government.

The DEPUTY CHAIR: Does the act support moving down that road? Do we need to have a consideration of amending the act? I am also mindful that I am a bit sceptical about electronic voting. I am not a fan. I still think that a crayon on a piece of paper cannot be corrupted in that space.

Mr KENNEDY: Yes. The act certainly allows for that as a technology solution, only within that restricted franchise that Chris was talking about, so if we wanted to take it broader than that, then the legislation would need to be amended.

Mr AVENT: Certainly, from our perspective, it would be fantastic if we could offer technology assisted voting to people overseas or people in remote locations. For both of those, postal voting is not a good option. At this election, DFAT offices and the Western Australian trade offices have said, “Early voting in person at our venues will not be available”, so we could not run those as in person at embassies and so on. It is really difficult for someone in the compressed time frame available, if you are living in Jakarta or in New York or wherever, to get your postal vote, fill it in, return it and have it back to us by nine o’clock on the Thursday following election day.

The DEPUTY CHAIR: To help you in the remote space, an iVote system or an equivalent for overseas, interstate, would take out the Australia Post inconsistencies. Is that what you are saying?

Mr AVENT: Yes.

Mr KENNEDY: Yes. New South Wales have something in their legislation, I am not sure on the specifics, but it is if you are a certain distance, so many kilometres from a polling place, then you can access.

Mr AVENT: I think it is 20.

Mr KENNEDY: Twenty, is it? Which might be generous by some people’s estimations. It is hardly considered remote if you are 20 kilometres from a polling place.

The DEPUTY CHAIR: Yes, I think of weather, cyclones and that sort of stuff in remote communities.

Ms D.G. D’ANNA: Cut off.

The DEPUTY CHAIR: Yes, remote communities in that space, and I get that. But I am also very—what is the word—conservative in that space. If there is an opportunity for you to actually go to a polling place and actually —

Mr KENNEDY: Sure.

The DEPUTY CHAIR: Because the more we go down the road of electronic voting, I mean, in the 2017 election, there was a problem that we could not actually determine that the actual electronic ballot boxes were empty at the commencement of the election, which was something that —

Mr AVENT: But we did do that opening, an official opening, and there were scrutineers present. I know it is not as if you can look in a box and see that there is nothing physical in that box; it is a different concept, and that is why there is contention about online voting in terms of verification from end to end, and that will always be a challenge, and that is not just in Australia, of course. That is universal.

The DEPUTY CHAIR: Of course, yes.

Mr AVENT: There are two camps, and even in academia, there are those that are strongly supportive of electronic voting and there are those that are strongly against it.

The DEPUTY CHAIR: Yes. I hear you.

Ms K.E. GIDDENS: I have two questions, please. The first goes back to the accessibility issue. The major pre-poll centre in my electorate was marked as a disability access, and, I guess, on paper, you would say that it was; it had a ramp. However, in practice, that ramp was very long and it was very steep, and the car park was beneath the building, which necessitated the use of that ramp. There was no lift access. Even people in wheelchairs struggled with the ramp, but in particular, one lady stands out, who was on sticks, and by the time she was at the top of that ramp and by the time I saw her, she was almost collapsed. It was a very arduous experience for her, and she was quite distressed, obviously. She said, "I looked on the website before I came and it said it was disability accessible." My question is: is there a way, given the limitations you have about the venues and those challenges, to just simply upload more information other than just that little disability accessible symbol that you have; for example, to upload a photo of what the access is, the distance and that kind of information?

Mr KENNEDY: I guess, potentially, with the web possibilities, there is no reason why we cannot include that kind of information.

Ms K.E. GIDDENS: Because then people could make a much more informed decision about which of those pre-poll centres they access.

Mr KENNEDY: Yes.

Ms K.E. GIDDENS: That would be, I guess, one way to empower people to actually know what they are going to before they get there.

Mr AVENT: Can I just say there, we do not use the ACROD symbol deliberately, because the ACROD assessment is much more stringent, and many venues, including many schools, would not achieve that pass mark. What we promoted is the locations which had best disability access. I know that might sound a bit like weasel words, but given that we are looking at nearly 900 venues, including polling places and early voting venues, not including special institutions, to do that task is possible, but it is a major body of work in terms of photos of the entrance of every venue and descriptions of limitations, distances to toilets and things like that. There is a fair bit of administrative work involved in doing something like that.

[11.10 am]

Ms K.E. GIDDENS: I can understand it from your perspective, but given that we know that people generally do not have a lot of knowledge about how these systems work, when they look up and see it is accessible, from their perspective, that is what they expect. I understand the limitations,

but with the back end of computer systems and websites these days, potentially there is a way to improve the information for people.

My second question goes to what you referred to as the circus, with probably strong disagreement from us, around some of the conduct of candidates and volunteers at pre-polling centres and on polling day, but probably particularly the pre-poll. Is there any appetite to look at enforcing some more rules—for example, a maximum number of volunteers per candidate? Some pre-polls had eight or 10 volunteers and people were literally being swarmed by particular volunteers. It is an overwhelming experience. From my perspective as a candidate I see no reason you need six, eight or 10 volunteers at the centre.

Mr KENNEDY: I do not know whether you are aware —

Ms J.L. HANNS: Sorry, Robert, just before you answer that question, just to add to Kim's question, we had a particular volunteer who was heckling people who were handing out for the anti-vaxxers. Somebody may or may not agree with your political persuasion, but there seemed to be no process either to deal with that on the day for people, without putting yourself in a situation too.

Mr KENNEDY: Essentially, I do not have any control over the behaviour of those people outside of six metres, I think it is, from the entrance of the polling place. My powers are somewhat limited. I think you would have all received as candidates a letter from me early in the campaign reminding you about the behaviour of your volunteers and supporters because the number of complaints we were getting from early voting centres was just phenomenal and way worse than polling days have been in the past, I am told. The issue for me—we engage with the parties from the very beginning and they share our concerns, and your concerns as well. No-one is quite sure whose responsibility it is or who is meant to play the umpire here. I do not particularly want to spend election campaigns having to police these venues. It would mean I would need more people who I would prefer were doing other work helping people to vote rather than policing hecklers and that sort of thing. The message that a lot of candidates do not seem to either understand or accept is that the behaviour of their volunteers reflects on them in the community and people going in to vote may well change their voting intention when they get in, having being hassled by six, eight or 10 of these people.

There were two things that came out loud and clear. One was the behaviour of volunteers and workers, and the other was the signage issue as well, which seemed to go out of control at voting centres. On the upside, it made them very easy for people driving around to find because there was an enormous cluster of signs everywhere you looked, including on trailers and all sorts of things. But on the downside, we received so many complaints about not only the environmental aspects of that but the traffic hazards and complaints from nearby tenants and that sort of thing about people taking their parking bays and all sorts of things. I think our early voting centre managers did a fantastic job in most cases. They certainly had early communications and contact with a lot of the tenants nearby and explained what was going on. I certainly spoke to a few of them at some of the centres I visited and I can understand their frustration. We would certainly welcome some kind of reform in this area, whether it goes from the extreme of Tasmania and South Australia where those sorts of practices are banned altogether is a possibility, or there is some kind of limit put on it. But then my complaints team spend all their time answering phone calls from people saying, "This party's got four people. They're not meant to have four. Can you come out and investigate?" It is a difficult one.

The DEPUTY CHAIR: And that is the extreme. The pre-polling model in Tasmania where there is a table and that is it, that is fine. I did not know it was replicated in South Australia or whether within 100 metres —

Mr KENNEDY: I think South Australia has a broader limitation on the area you can get into. Rather than six metres, it is —

Mr AVENT: In the Northern Territory, you are not allowed to be within 100 metres of a vote-issuing venue if you are a party worker and you have placards and so on. What that created was people wearing sandwich boards standing on highways leading up to voting venues. It is a really difficult one to control. We were regularly in contact with the party agents for various parties asking them with respect to a particular venue could they go and talk to their people, because they were going over the top. And that is across all political persuasions. At some venues we were able to effectively create a situation where we did limit the number of party workers per candidate. That worked in some locations better than others, but as Robert indicated, it is a real challenge and we would dearly love to see some reform in that area because it was not pleasant for many electors, let alone many of the candidates and other party workers.

The DEPUTY CHAIR: Walking the gauntlet.

Mr KENNEDY: Some of those early voting centres where we were lucky enough to get into a shopping centre or the facility manager or operator took a very strong stance right from the beginning and said, “We don’t want anyone here”, and the parties pushed back against that. I can understand why, but we had to respect the requests of the owners of those particular shopping centres or facilities when they said, “We don’t want any volunteers in the car park; it is creating safety hazards.”

The DEPUTY CHAIR: Just to change the direction a little on questioning, your pre-election strategy document mentions counting some of the Legislative Council votes electronically rather than manually. Did that actually take place?

Mr KENNEDY: Yes, we scanned ballot papers for the first time. I think we had done it as a test before, had we? No. So this was the first time. We partnered with Fuji Xerox, which also does it for the AEC for the Senate elections. That was something we were trialling to see whether it was faster and a more efficient way of doing it. I think that possibly the jury is still out as to the benefits of it. There were some issues around the system with obviously a computer code having to determine the difference between a one and a line, and whether it was a one or a seven, and these sorts of things, so we ended up having to have people out there second-guessing the machine. I think that otherwise the scanning side of things went quite well. Chris might want to add something.

Mr AVENT: Yes. Normally speaking, about five per cent of electors vote below the line. Ninety-five per cent cast a ticket vote and they are very quick and easy to count. We decided as a trial to scan those ballot papers that had been marked below the line. Interestingly, at this election the normal pattern of five per cent was not the case; it was only about 2.5 per cent of people who voted below the line, as reflected in the voting arrangements at the election. So that was quite different. The total volume that we put through Fuji Xerox scanning machines was lower than we were anticipating, but we did it as a learning exercise. As Robert said, the federal government do it. Those jurisdictions that had moved to optional preferential in their upper house ballot papers, that is a very different vote-counting exercise. It is dramatically longer and more complicated than a ticket vote where you just tick one box, and most people vote that way. Consequently, with discussions about the possibilities of moving towards optional preferential, we wanted to trial that in preparation for potentially future scanning in a more continuous way. Certainly, when optional preferential was introduced for the Senate and when it was introduced in South Australia, both of those jurisdictions moved to scanning of the upper house ballot paper because it becomes much quicker.

[11.20 am]

At the moment, we probably have the quickest upper house counts in the country. In the past, we have taken about two weeks, because it does not take long to count the ticket vote. But if that changes, then we wanted to be on the front foot and explore and learn from the experience, and we have learnt quite a lot from that exercise.

The DEPUTY CHAIR: At the last election, there were comments about the effectiveness of the education strategy in that space. I remember us having a conversation with the youth council as to the effectiveness of the advertising campaign in that space. There was a conflict in what the kids were saying as to what yourselves were saying. What were your thoughts on the education strategy with the last election, particularly in rural or remote communities et cetera?

Mr KENNEDY: I think the time of social media has arrived. That was the big learning that we took from the advertising and engagement strategy that we used this time. We realised this time that the traditional audiences that would have picked up information through the TV or printed press were more engaged on the social media side of things, so we certainly expended more money than we ever had in the past in terms of buying space on social media. We received, anecdotally, a lot of positive comments about the advertising campaign itself. That might well have been on the back of the dissatisfaction with the last exercise in 2017, I do not know, but I think it was a good campaign. I am not convinced necessarily that it got to the target audiences that we needed to get to in a significant way, and that is something that we are still—Chris and I have had a couple of discussions about this in terms of where we are at in terms of participation and the tough nuts that remain to be cracked, which is particularly that youth market. I am not sure that this campaign made any serious dents in the youth participation rates, but we certainly made it a focus of the campaign. I am just not sure whether that ended up being as successful as it should have been.

The DEPUTY CHAIR: That probably leads to the next question. In the youth, the first voters, did we see an increase in their participation, or was it fairly consistent with previous elections?

Mr KENNEDY: I do not have the information right at hand myself.

Mr AVENT: No. One of the things that was very effective, in our view, was the use of email and SMS direct to electors. Western Australia, because we do local government postal elections for so many, we have the highest level of data on our state roll of mobile phone numbers and email addresses, so for this election we utilised those and sent out 1.5 million emails and 200 000 text messages via mobile phone. Some of those were targeted to particular groups, like Indigenous youth, and so we were able to access that information, and the feedback that we have had is that that was very effective. The enrolment rate for one of those—the first big output of that data was before roll close, and we had the highest participation rate in terms of enrolment that we have ever had. It is the highest; it is, in fact, above the national average, which is tremendous compared to a few years back. Western Australia is a much harder state to do enrolment than, say, Tassie or Victoria or the ACT, so we believe that that email and SMS campaign was an effective strategy, and particularly for that youth market.

Mr KENNEDY: One of the interesting anecdotes that came out of the social media side of it, and I know my team get bored of me telling this story, is that what we were noticing when we were monitoring some of the Facebook feeds was that it was the parents picking up our messages and giving it to the adult children to say, “Hey, you’ve moved out of home in the last four years, haven’t you? Make sure you change your enrolment”, and that sort of thing, so it was not the kids necessarily that were engaging with us; it was the parents getting on to the kids. If the message gets to them that way, I am not fussed, as long as they get the message one way or another.

The DEPUTY CHAIR: That probably leads to the next question, then: the state electoral roll versus the federal electoral roll. Were there any issues of the integration of the two to identify those that were on one and not on the other in that space?

Mr AVENT: The level of divergence used to be a significant issue, but with the move to automatic update and enrolment, whatever goes through the Australian Electoral Commission system comes through to us and then we add to it the state district codes, the jury district codes and the local government district codes and so on. But the level of divergence now is minimal—very, very minor—and that tends to be lagging, where someone is still on the commonwealth roll but we have got advice that the person has passed away, so we will take them off, before it gets through to the commonwealth. There will always be a small lag factor, but for the most part, the divergence is minimal compared to what was it was, say, five or six years ago.

Mr KENNEDY: I think the most significant factor we picked up in terms of our interaction with the AEC and the roll for this election was that the AEC got swamped when we sent out our email reminders to people, and suddenly they all—because you generally go through the AEC website to update your enrolment and then it comes back through us, or our website refers them to the AEC in order to do their updates. So that was a good learning for us in terms of opening the channels of communication with the AEC to say, “We’re about to send out 1.5 million emails, there’s a good chance that your people are going to get swamped.”

The DEPUTY CHAIR: Good, puts the pressure back on them.

Mr KENNEDY: And, in fairness to the AEC, they responded very well. They realised that their state-based people were under a bit of pressure and they brought in some other resources from around Australia to help out.

The DEPUTY CHAIR: The last question I wanted to ask is in relation to the boundaries and education of the boundary changes. Did you find any issues in that space?

Mr KENNEDY: No, I believe there were some issues in 2017, but I do not recall it being an issue that has been raised with me by people. Again, we did utilise the SMS and the email to remind—it allowed us to target individuals who we knew where the boundary had changed and they had moved into a different district, so that opportunity was afforded to us for the first time.

Mr AVENT: I think one of the key differences in that respect was at the 2017 election, because 75 per cent of people were voting on election day, it meant that a significant number of absent votes were occurring, where people thought they were in one district, the boundaries changed, they go there to vote, “I always go to that primary school”, they cannot do an ordinary vote, they have to do an absent vote. Whereas the big difference this time was because 55 per cent of people voted early, and because of all of our early voting centres, the roll mark off was done electronically. Consequently, you did not have that same degree of people saying, “Oh, my district’s changed.” It did not matter. They were on the electronic roll, they were marked off and their ballot papers were handed over.

The DEPUTY CHAIR: In conclusion, is there anything finally you would like to say?

Mr KENNEDY: No, I do not believe so. I do not think there is anything that we need to add at this point, thank you.

The DEPUTY CHAIR: All right. Thank you for your evidence before the committee today. We will forward a transcript of this hearing to you for the correction of transcription errors. Any such corrections must be made and returned within 10 working days from the date the email of the attached transcript is forwarded to you. If the transcript is not returned within this period, we will deem it as correct. New material cannot be added via these corrections and the sense of your

evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence.

Thank you for coming today.

Mr KENNEDY: Thank you.

The DEPUTY CHAIR: It was a good chat. I appreciate it. Thank you.

Hearing concluded at 11.29 am
