

**STANDING COMMITTEE ON  
ENVIRONMENT AND PUBLIC AFFAIRS**

**LOCAL GOVERNMENT AMENDMENT BILL (NO. 2) 2006**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
TUESDAY, 16 JANUARY 2007**

**SESSION ONE**

**Members**

**Hon Louise Pratt (Chair)  
Hon Bruce Donaldson (Deputy Chairman)  
Hon Kate Doust  
Hon Paul Llewellyn  
Hon Robyn McSweeney**

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**The hearing commenced at 11.02 am**

**GATELY, MR WARWICK**

**Electoral Commissioner, Western Australian Electoral Commission, examined:**

**BECKINGHAM, MS VANESSA**

**Electoral Liaison Officer, Western Australian Electoral Commission, examined:**

**RICHARDS, MR PHIL**

**Senior Project Officer, Local Government Operations, Western Australian Electoral Commission, examined:**

**CHAIR:** Good morning. On behalf of the committee, I welcome you to the meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**The Witnesses:** Yes.

**CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them, and try to speak in turn. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of your evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

We have a range of questions that we would like to ask you, but if you would like to begin by making an opening statement, you are welcome to do so.

**Mr Gately:** I have not prepared an opening statement. I presume that it will be a reasonably free-ranging discussion and we will pick it up as we go. There is no written opening statement.

**CHAIR:** Can you give us a general overview of the current role that the Western Australian Electoral Commission plays in conducting local government elections? We know that you are involved to varying degrees in different elections, but can you give us an outline of those activities?

**Mr Gately:** Under the Local Government Act, at this point local governments, in conducting ordinary elections and extraordinary elections, can choose one of two methods: an in-person election or a postal election. If a local government chooses to conduct a postal election, the Local Government Act is written such that the Electoral Commissioner must conduct that election on its behalf. The Electoral Commission gets involved in in-person elections only occasionally at the specific request of the local government. In the case of an in-person election, ordinarily the CEO of the local government is the returning officer. In a postal election conducted by the Electoral Commission, I appoint returning officers to conduct those postal elections. Presently, the Electoral Commission conducts postal elections for about 50 local governments. In the 2005 ordinary

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elections there were 50, which accounts for nearly 95 per cent of eligible electors in Western Australia.

**CHAIR:** How do you envisage the role of the Electoral Commission changing should this bill be passed and the voting system for local government elections changed to preferential and, in some cases, proportional preferential voting?

**Mr Gately:** In the first instance, the Local Government Act is not being amended whereby local governments will retain the right to do an in-person election, or they may choose to have the Electoral Commissioner conduct a postal election. I see the role changing potentially when a number of other local governments may choose to come to the Electoral Commission to conduct postal elections on their behalf, given the nature of the change to the voting system. The other areas of potential change relate to how the Electoral Commission will go about conducting those elections by virtue of the change. There will need to be development of a computer-assisted counting system by virtue of a change to the Electoral Act and a change to the Legislative Council count system from inclusive Gregory to weighted inclusive Gregory. I have development funding available and I am undertaking computer-assisted development, which will have a role in local government counting by virtue of that change to proportional representation.

**Hon KATE DOUST:** Can you please explain to us the difference between weighted inclusive Gregory and inclusive Gregory?

**Mr Gately:** It is a very subtle change to do with the transfer value of votes at the late stages of the proportional representation count. The Legislative Council elections for the last five elections have been conducted on the inclusive Gregory system. On one occasion in Mining and Pastoral there was a complaint that the Electoral Commission did not adhere to the legislation as it was written in the way in which the value of those votes were transferred. That was not correct, but it identified an anomaly in inclusive Gregory whereby there is the potential for votes to increase in value as they are transferred. It is very unusual, but it is recognised as a potential. The move to weighted inclusive Gregory will ensure that votes diminish in value and do not increase in value as they are transferred. It is a subtle change. It is a complex counting regime that is not evident to electors as they put down their preferences. The move to weighted inclusive Gregory will remove that anomaly.

[11.10 am]

**Hon BRUCE DONALDSON:** I wish to ask a question about the Mining and Pastoral count that you alluded to. That has never been tested in a court, has it?

**Mr Gately:** I believe that there may have been some action to do that. I would need to refer back and give you an answer in due course. From my history at the commission, I cannot recall that it was tested.

**Hon BRUCE DONALDSON:** I am not pointing the finger at the Electoral Commission but I do not think it was ever tested in court. In the subtle changes you made, the commission saw that there was an anomaly in that particular count.

**Mr Gately:** I will take that on notice and provide a response.

**CHAIR:** There has been some discussion about the potential cost impact on local government of paying for the administration of elections due to a change in voting systems. To what extent would the proposed changes impact on the operation and management of local government elections? Would they be more expensive to administer?

**Mr Gately:** At this point it is very difficult to put a dollar cost on that. As I alluded to earlier, the Electoral Commission currently has 50 local government clients. Even with the first-past-the-post system, nine of those clients use computer support to conduct their count. The Electoral Commission has an IT system called Compuvote. We have a licensing arrangement to use that

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system. That licensing cost is passed off to local governments that use that system. It is not a significant cost but it is a cost that we are obliged to pay. The remaining local governments that do not choose to use the Electoral Commission in a postal voting context may or may not choose to come to us. It would depend to a certain extent on the structure of that local government, the numbers of councillors in wards, the number of vacancies that present themselves at any particular time and the number of electors in those particular local governments. Whether they choose to come to the commission to do their work is a bit of an unknown. I cannot give a figure on that. Because of the structure of some of the smaller local governments - for example, Sandstone with about 100 electors - they are unlikely to need the commission to do that work for them because I believe they are able to do it themselves.

In terms of the cost, I am already undertaking a computer count development which has been funded for the Legislative Council. That will also be useable in a local government context. Again, in terms of our costing regime, the Electoral Commission only charges direct costs plus a margin on staff overheads. That regime will not change by virtue of a change to the voting system. I am trying to say that there may potentially be some costs in terms of computer support. Our other costing regimes will not change. Our operations will change subtly by virtue of our counting process on the election day and some other logistic and management issues that we need to deal with. I cannot put a figure on it. I do not believe it would be substantially different from the current regime and current costs that are incurred by local governments at this point.

**CHAIR:** I note that you said that the software development is taking place largely as a result of the change in Legislative Council elections. Does that therefore mean that a huge part of that cost would not necessarily be passed on to local government for the purpose of using similar software to count votes in local government elections?

**Mr Gately:** I think that is generally correct.

**Hon ROBYN McSWEENEY:** Is the Legislative Council not weighted differently under proportional preferential voting from local government? Are you saying that the computer program that you use for the Legislative Council would have to be modified for local government or will we use the same program?

**Mr Gately:** The system that I am developing for the Legislative Council will be the same system that will be used for the local government proportional representation count.

**Hon ROBYN McSWEENEY:** So they will both be weighted exactly the same?

**Mr Gately:** That is correct. The bill that is written that reflects the counting process, as complex as that is, reflects the Legislative Council count.

**Hon ROBYN McSWEENEY:** I was not aware of that.

**CHAIR:** Do you foresee any specific problems in the implementation of the proposed changes?

**Mr Gately:** I would be wrong to say there are not challenges. I am coming at it from an Electoral Commission perspective. The IT system will be developed by the end of July. That will meet the proposed October ordinary election date. We will need to look very carefully at our administration and at some of our operational support and logistics support and there may need to be subtle changes to that. There may also be delays in declaring results because of the more complex nature of the count and the need to enlist some computer support to do that. There are challenges there. Again, from the commission's perspective, we can work through those challenges and tailor our operations, our organisation and our administration to meet the requirements.

**Hon BRUCE DONALDSON:** Is it possible to provide the committee with a print-out of the costs to each of the 50 or so local governments that use the Electoral Commission at election time?

**Mr Gately:** From 2005 or projected costs?

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**Hon BRUCE DONALDSON:** On that 2005 election.

**Mr Gately:** Indeed.

**Hon BRUCE DONALDSON:** I can understand what you said about Sandstone and some of those smaller councils. Some of those smaller councils do not even have elections but there was a push by the managers of local government at some stage over the high cost. They thought that would be reduced as more and more councils took up that provision. Do you see that occurring if you lifted it up to 80 or 85 per cent of the councils? Would that cost come down in a per dollar vote, for argument's sake, or as a form of bulk buying?

**Mr Gately:** In 2003 the Electoral Commission was criticised for the costs that were imposed upon local governments for those ordinary elections. In 2005 we reduced those costs by 25 per cent across the board. That was through clever processes and better tendering. We will not see that margin reduction again because we have just about taken everything out of it. All I recover is my direct costs and an overhead on staff time. We are already purchasing envelopes in bulk and printing in bulk. There is a very competitive environment for that. The bringing on board of other local governments may incur some increased costs potentially in that other returning officers need to be engaged, other staff have to be employed and hardware may need to be hired for a local government that has not had to do that before. Those costs are not necessarily substantial and significant. The big costs associated with a postal election are postage, return postage and printing.

**CHAIR:** How do those costs compare to an in-person election?

**Mr Gately:** An in-person election will always be cheaper on the whole but there is an average elector turnout of about 10 per cent. Across our 50 local governments, we are achieving about a 38 per cent turnout. There is a premium but that premium will result in a better turnout.

[11.20 am]

**CHAIR:** Which is an important principle.

**Hon BRUCE DONALDSON:** I think at the present moment there are 40 councils that have unsubdivided local authority areas. That seems to be growing because of other factors. Are you picking that up or noting that? The process is increasing where a number of councils now dispense with the ward systems completely. At the moment it is approximately 40. I see that growing, quite frankly.

**Mr Gately:** We have not necessarily seen a lot of evidence of that. Mr Richards just indicated to me that, for example, Busselton is going to no wards. They are already a client of ours in any event. The move to no wards will then make it more complex, certainly, in terms of proportional representation and counting at that point.

**Hon BRUCE DONALDSON:** I will ask one more question, if I may. It is in relation to the positioning of candidates in the ballot. The commission appoints a returning officer for those councils that you operate with. Does the council still conduct the ballot to place the candidates in order in an unsubdivided local authority?

**Mr Gately:** The returning officer does that at the time of the close of nominations.

**Hon BRUCE DONALDSON:** If there were, say, 12 positions for council vacancies in an unsubdivided local authority area and there were 22 candidates, with no other above-the-line voting - which 90 per cent do in both the Senate and the Legislative Council here in Western Australia - do you see a donkey vote appearing? People have to mark every one except one of the boxes, otherwise it is an invalid formal vote.

**Mr Gately:** I would say there is the potential for that to occur but, of course, electors are used to this to some extent in terms of state elections and also federal elections. They will have a choice because of the ticket vote but they will not have this here. This will be a system that, on the whole,

is familiar to electors. The complexity of counting behind the scene after that does not necessarily concern the elector. If the elector follows the instructions and numbers the preferences according to the instructions on the ballot paper, I do not believe that will present him with any more of a problem than he faces presently in federal and state elections.

**Hon BRUCE DONALDSON:** But in proportional representation voting at elections, that is why 90 per cent of the people vote above the line. They do not want to tick or mark off 40 candidates below the line. That is where it has moved to with proportional representation. I think you are referring to the Legislative Assembly, where there may be eight or nine candidates for a single vacancy in a Legislative Assembly seat. Is that what you are referring to?

**Mr Gately:** Yes. As I said, there is certainly the potential for that to occur. At this point we are not seeing 22 candidates or something of that order in many of the local government elections.

**Mr Richards:** Eighteen for Kalgoorlie-Boulder was the largest we had. They were electing 11 vacancies.

**CHAIR:** How will it be communicated to electors? I understand that regulations will set out what will be on the ballot paper. Electors need to know there will be a change in the system. They need to work out the fact that they will be electing, say hypothetically, two people for their ward via PR. Will that be made clear on the ballot paper? Will it state for electors to preference their wishes accordingly with two councillors to be elected? That is just a hypothetical example. Whatever the number of people to be elected - whether it is one, two or 12 - how will that be communicated to electors?

**Mr Gately:** Certainly, the ballot paper will have instructions on it to show what process needs to be followed. Regarding the postal voting package, we are dealing only with the postal voting that we pick up. There are quite clear instructions in the postal vote package as to how to deal with the ballot paper. Of course, the Electoral Commission, in conjunction with the Department of Local Government and Regional Development, does an advertising campaign at the point of the ordinary election in any event to inform electors of the process and how they need to market their ballot papers for them to be included as a formal ballot.

**Hon PAUL LLEWELLYN:** I have a question that will take us back a couple of steps but it is relevant to what you have just been saying. I was looking at the split between the Department of Local Government and Regional Development, local councils and the WAEC in terms of who will do the education. How will we know that the right suite of information is going out and so on? How do you see that split of responsibility in having a smooth transition?

**Mr Gately:** In answer to that I would just say that it is already occurring in and around ordinary election time as well. There is a very close relationship between the commission and the department in relation to the development of candidate guides, software to support them, CDs to support candidates and elector information packs. That is already occurring. The commission works very closely with our client local governments as well in relation to education. This is just another dimension to that. It will just need to be undertaken in the lead-up to the October elections to make sure that the public is aware of the change. We will work closely with the department and the local governments, as we already do. It is just another dimension to something that we already pick up.

**Hon PAUL LLEWELLYN:** I will pursue that a bit more. You are saying that there are some challenges in timing, which are clearly in administration, operation and logistics. If we were to go to this new system by October, is it your view that the Electoral Commission and the whole system will be ready to go, or do you think that there is a case for delaying the implementation?

**Mr Gately:** As I said earlier, there are certainly some challenges for the commission from an operational perspective. The IT system will be operationally tested at the end of July; it will be available. We just need to adjust our procedures. We do that ordinarily. As we come out of one

round of local government elections, we check whether we are as efficient as we can be in terms of the improvement cycle. We re-run those improvements the next time round. The challenges are not overwhelming. The Electoral Commission, I believe, will be in a position to conduct elections in October under this system if that is the outcome.

**Hon PAUL LLEWELLYN:** Retrospectively, when you moved from the preferential system in 1995 across to the first-past-the-post system, how did the debate pan out then? How did the transition work then? This is a similar process.

**Mr Gately:** I am not able to talk on that off the top of my head. I had no involvement with the Electoral Commission in 1995 or for some time after that. I do not know whether Mr Richards can recall how that debate went. If he cannot, I am quite happy to provide some historical advice on that.

**Mr Richards:** I was not involved in any of the findings on how the voting went. Informal voting probably dropped because people just had to tick rather than number all the boxes.

**Hon PAUL LLEWELLYN:** Is that conjecture?

**Mr Richards:** It would be conjecture. I do not have the information with me to back that up. I was involved as a returning officer in 1997, which was the first first-past-the-post election for the City of Melville. It was the biggest local government that went to postal voting. All six ward counts were completed by about 10 o'clock at night.

**Hon PAUL LLEWELLYN:** I am simply looking at the possible transitional arrangements that have to be in place and whether it is responsible to make a change at this stage and have it camera ready for October. It is a concern.

[11.30 am]

**Mr Gately:** As far as the Electoral Commission is concerned, there are some challenges. However, I am confident that if this system is introduced and the October date holds, we will be ready to deal with it.

**Hon PAUL LLEWELLYN:** Obviously if a local government chooses not to use postal voting, you will not be involved, so there will be a different set of issues at the local government level. How much support do you give to local governments that are not your clients, because they do not choose to use postal voting and go through the Electoral Commission, but that need the kind of support that you can provide? Can you tell us what those arrangements are?

**Mr Gately:** Already we provide a variety of support. One example is the recent election in the Shire of Halls Creek. Although it was the responsibility of the CEO to conduct that election, he was new, and we were able to provide continuing advice to him. We also placed statutory ads for him, so we assisted in that regard. Equally, in the Shire of Greenough with the recent in-house referendum, we supported that also. There is a variety of support packages that we can make available, and also continuing advice over the phone.

**Hon PAUL LLEWELLYN:** So they are not flying solo?

**Mr Gately:** No. In the commission, and the department as well to some extent, we pride ourselves on our ability to support small local governments that face electoral-related issues, and that will continue.

**Hon PAUL LLEWELLYN:** Yesterday we heard evidence that suggested that if the local government voting system were changed to a proportional preferential system, some CEOs might not want to be a returning officer. I notice that if the local government uses a postal voting system, you provide the returning officer. If, for example, that turned out to be a recommendation of the committee, what opportunities would be available for the Electoral Commission to provide the returning officers for local government elections?

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**Mr Gately:** I am not sure that the legislation allows for a CEO not to be the returning officer.

**Hon KATE DOUST:** The Local Government Act 1995 states in part 4, division 7, section 4.20, that a local government may, having first obtained the written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer of the local government for an election. It states also that an absolute majority is required. I assume that means the council would need to vote on who that person would be. Obviously that provides the opportunity, if the council takes that view, for another person to be appointed to that role, with your support. Therefore, that flexibility is already provided for. The issue that was raised yesterday was that the proposed change would impose additional work on CEOs. Another issue that was raised was the pressure that is placed upon CEOs by both current councillors who are standing for their position again, and new candidates. The CEO who spoke to us yesterday said he felt very uncomfortable about that and would prefer not to be a returning officer. I share Hon Paul Llewellyn's view that we should adopt a system similar to the one in South Australia, where the Electoral Commission manages all local government elections. Perhaps that is the way of the future. That would take the pressure or onus off the CEOs and put the responsibility onto the Electoral Commission. You currently manage ballots for a diverse range of organisations. It would seem appropriate that the responsibility lie with your office rather than the regional office or the CEO.

**Mr Gately:** Certainly a number of the CEOs whom we currently engage do not wish to be involved in the electoral process at all; they want to be at arm's length from it, no doubt because of local government issues. They can choose to ask the commission to take on that role. On one occasion a CEO sought a returning officer other than himself, and the commissioner agreed to that. On another occasion a local government wanted to appoint a more senior manager in that local government as a returning officer. However, I was not as comfortable with that, again because of that association. Therefore, there is some latitude there. One of the challenges in getting returning officers is their availability. In some of the smaller areas, people are often reluctant to take on that role. The training of returning officers is another challenge. The October date would be a challenge that we would face in getting hold of appropriately skilled returning officers, and training them.

**Hon KATE DOUST:** Do you think that is something that could be looked at in the future; that is, that the Electoral Commission would provide the returning officer for the ballot and thereby take that role away from the council?

**Mr Gately:** Potentially it could not come from within the Electoral Commission staff, because the staff numbers do not allow that. It would be a matter of going out to the community. We have a pool of returning officers whom we continually draw upon, both for state elections and local government work. However, that is a potential for the future, certainly.

**Hon KATE DOUST:** There are some comments in *Statewide*, the magazine of Local Government Managers Australia, about the South Australian experience and about how there has not been any substantial increase in costs in South Australia because the Electoral Commission in that state has the capacity to purchase in bulk. You have already talked about that. There are also some comments about how South Australia has been able to get the results in fairly efficiently, as you have alluded to with the result in the Melville elections. I come back to the point that it might be more beneficial for local government if the Electoral Commission did take on board that management role. Do you have any comments on that?

**Mr Gately:** Already there is some concern in the local government sector about what it perceives to be the monopoly that we currently hold in relation to postal voting. I do not necessarily agree with that. I believe we are the most efficient, independent and transparent agency to conduct that function, so it is appropriate. I guess that if the work that we undertake were widened, it would involve a resource cost to my agency that ultimately would be passed back to the local government.

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**Hon KATE DOUST:** I understand that in South Australia the cost is passed back to the local government. You are in the business of managing and running election campaigns for a diverse range of groups in this state. Local governments are in a different type of business. It would seem to make sense for the Electoral Commission to take on that function for local government.

**Mr Gately:** To go from the 50 elections that we conduct currently - as I have said, we would not necessarily get the remaining two-thirds; we might get one-third of those - would create a challenge, but it is a challenge that we could rise to. However, to take on 142 via legislative change would be a significant challenge, yes.

**Hon KATE DOUST:** You talked about how voters do not necessary need to understand the method of vote counting. I feel quite comfortable with what you have said about that. Other submissions have raised the issue that it is felt that this will be a big problem, because voters do not understand the method of counting. However, what voters do is mark down the people whom they would like to see in certain positions. Have you had any people lobby you to say they are not happy because they did not understand how the votes would be counted? People have a fairly clear understanding of what they are doing when they fill out a ballot paper, do they not?

**Mr Gately:** Indeed. We are probably underestimating people to some extent. The complexity of the counting is such that it needs computer support. That is the case particularly for the Legislative Council, with 300 000 electors; it needs that computer support, because of the complexity. Many people put down their preferences in the knowledge that votes will flow, and they list the candidates in the order that they have determined they want to follow. They do not necessarily follow a how-to-vote card. The experience from federal elections is that only 50 per cent of people will follow a how-to-vote card; the others will form their own opinions and put down their preferences in the order that they want. I do not believe that if they understand what a preferential or a proportional voting system is they need to know the computer language behind it that delivers them the result.

[11.40 am]

**Hon KATE DOUST:** It has also been put to us that this new method of counting would create problems for people of an ethnic or indigenous background and it would make it difficult for them to make a decision about who to vote for.

**Mr Gately:** If that is the case, that same group is disadvantaged in state and federal elections also. This is not necessarily introducing a further complication in their voting requirement.

**Hon ROBYN McSWEENEY:** Can you clarify a point for me? The act says that when postal voting takes place, the Electoral Commission must be involved. Is the Electoral Commission responsible for postal voting?

**Mr Gately:** Correct. If a local government chooses to vote via post, it must be conducted by the Electoral Commissioner.

**Hon ROBYN McSWEENEY:** In small local government areas the culture is that people go in and vote; that is part of the history of local government. If the computer package that you put out is proper and correct and is used by local government, there really is no need in a vast state such as ours for the election to be run by the Electoral Commission. You would not have somebody fly to Broome or out the back of beyond. It would be an impossibility for local government to be controlled totally by the Electoral Commission. It is not practical to do that. Would you agree with that?

**Mr Gately:** I would. Again, as I said earlier, assuming the act stays as it is, the smaller local governments will not choose to come to the Commissioner to do that work for them because it would be within their ability to do that, depending on their structure and electors etc. If a local government has come to me seeking some sort of support, or it is evident to me, with their agreement I have sent and will continue to send officers to support them in that process, be it for

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close of nominations, polling or counting. That is a standard thing that we do, particularly for remote communities and local governments.

**Hon BRUCE DONALDSON:** One of the perceived advantages of first-past-the-post voting is that it eliminated some of the factional outcomes that preferential voting brought to local government. With first-past-the-post voting it is very hard to manipulate a council election. With proportional representation there is a very good opportunity because while one cannot have a ticket, one can certainly have a how-to-vote card. That can be well and truly advertised. Let us take the City of Joondalup, for argument's sake; I will use it because it has wards. If Joondalup used proportional representation, which it probably would, there would be nothing to stop people advertising that a particular group of candidates should be supported. If I wanted to be a candidate there, I can tell you I would have six people running with me as dummy candidates. Certainly people would be advertising in the local paper on my behalf stating that people should support that ticket and setting out how the ballot paper was to be numbered. First-past-the-post eliminated a lot of that aspect of local government elections, as I well know. I want to get from you an opinion on whether first-past-the-post eliminates factional outcomes, whereas that could not be guaranteed with proportional representation.

**Mr Gately:** It think it probably does not matter what voting system we have, there is arguably potential for some form of political interference, if you like, for want of a word. I re-read the Local Government Advisory Board report yesterday and I think one paragraph in it is relevant to your question. It goes to this matter. It states -

Submissions on this matter did not provide any evidence to suggest whether the FPP or a preferential system is any more vulnerable to candidate preference exchanges. It is clear that even in a FPP system, candidates provide suggestions on which candidates, apart from themselves, that an elector should vote for.

That suggests to me it is potentially occurring to some extent at this point. I also go back to the other matter I raised; that is, the Australian Electoral Commission's research says that 50 per cent of voters do not follow how-to-vote cards. They are forming their own opinion in any event. On the issue of running dummy candidates, no doubt there is the potential for that to occur. I am not aware of significant evidence from other states; it may exist but I am not aware of it. Even if someone is going to run one dummy candidate, in order to get his preference flow that candidate will need to do some campaigning or advertising and enlist and encourage an elector's support. I offer that as one view on why that may or may not occur. Any voting system will bring advantages and disadvantages. It is a matter of determining what is appropriate for the elector to deal with, absorb, and get involved in so that he can make an informed judgment about where to put his tick or number.

**Hon BRUCE DONALDSON:** I think the Wanneroo royal commission identified some factional outcomes, or manipulation of an election, if I remember the report correctly. I will have to check that for my own benefit. The last question I would like to ask you is about democratic process. Does proportional representation give a better democratic outcome? Can you say that it would provide a truer democratic vote than first-past-the-post? The real issue with this change in voting is: what is the public benefit from such a change? That is the crucial point that nobody seems to be bringing out: what are the real advantages or disadvantages? We have seen some submissions about that. I would like to think that, from the Electoral Commission's point of view, you may have studied the ethics that surround elections. What is the best outcome?

**Mr Gately:** Proportional representation certainly better reflects the intention of electors. If there are four vacancies and a candidate has 25 per cent of the vote, he will be elected. Again, there are advantages and disadvantages in any system. We have decided that proportional representation is appropriate in this state for the Legislative Council. The commonwealth also has decided that is appropriate, for all the reasons that are well documented. Where there is potential for a split vote

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with two popular candidates, under first-past-the-post the third candidate may well get up. Proportional representation in my opinion is an appropriate way to go, where the vote a candidate receives determines whether he will be elected.

**Hon BRUCE DONALDSON:** Are you saying that preferential voting, as used in local government until the 1997 election, was not a true process?

**Mr Gately:** I am not saying that. You are now asking me to offer an opinion on whether proportional representation is appropriate at this juncture in local government. My view is that there are advantages and disadvantages in all systems, but proportional representation will, I think, provide an appropriate result in the local government setting.

[11.50 am]

**Hon BRUCE DONALDSON:** Would you agree that local government is a bit like a lower house, rather than an upper house? It is simple in structure and nature? It is a unicameral system. Each individual local authority is like a small state authority. I have that sort of feeling that if there were to be change, something that should also be considered is the original method of voting within council elections, which was preferential voting.

**Mr Gately:** I think the challenge in the local government setting is engaging electors and getting that involvement up from 10 per cent in person and up from 38 per cent in postal votes. That is the challenge. If that is the case, the move to proportional representation, in this instance, is not presenting electors with more of a challenge in terms of how they deal with the ballot paper. It is a system they are familiar with; therefore, by itself, that may reduce informal voting. It may also help increase the number of electors that choose to get involved in local government.

**Hon BRUCE DONALDSON:** Postal voting from my point of view has been one of the biggest single things that have actually lifted the number of people who attend or vote in a local government election in a non-compulsory voting system. People are very comfortable with the preferential system anyway, because they deal with it in both the House of Representatives and the Legislative Assembly in Western Australia. So, in actual fact, there are two systems running. If you say people are confident or reasonably comfortable with the proportional representation vote, they would also be pretty comfortable with the way they vote in the lower house; put it that way. Would that be fair comment?

**Mr Gately:** Yes, I accept that.

**CHAIR:** I would like to ask some questions that follow on from some of the issues raised in regard to rural and regional areas. Part of this relates to the way in which you recoup the costs for elections. Do you currently recoup costs at a per-vote rate or do you differentiate between councils as to how much it costs as a budget per council depending on their local circumstances?

**Mr Gately:** What we do there, for every local government the direct costs that are associated with its election - for example, your advertising, your ballot papers, your envelopes - that is attributed to the local government. What we do in the count centre is bring all the postal ballot papers into one site. The cost of operating that count centre is apportioned by the number of electors; so they only get charged for what they spend plus a proportion depending upon their elector base for what we call, I guess, the centralised function. That is how that operates. So, a small one is not supporting a large one; a large one is not supporting a smaller local government in terms of cost recovery.

**CHAIR:** I wanted to ask about trying to lift the number of people voting - in particular, the 10 per cent in person. There is a great culture associated in regional areas with going along on local government election day and voting. However, I would imagine that there are also a lot of people disenfranchised by distance on that particular day from voting. What proportion of people generally - you might need to take this on notice - in different regions, for example, do a postal vote or a pre-poll vote in those equivalent types of local government areas during state elections? I

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suppose I would like a way of trying to gauge those people who might be best served by a postal vote in those communities.

**Mr Gately:** It is not something that we have looked at but we can do. I guess when I said 10 per cent in person, some local governments achieve a 70 per cent turnout for in-person voting, depending upon the nature of the community and, I guess, the issue that is at hand. They do achieve quite good turnouts. Inevitably there are smaller ones, but 10 per cent would be the average. However, I could find out the information for you.

**CHAIR:** Yes, because it is difficult when you are trying to create a one-size-fits-all system when in actual fact local circumstances can be quite different. The Electoral Commission clearly has a lot of different examples of the kinds of results that are thrown up in elections. We have had some examples given to us - it is no reflection at all on the candidates elected - for example, at the last Joondalup election there were 11 candidates running for mayor. I think the mayor who was elected was elected with just over 15 per cent of the vote. That is just a single example. Do you have other examples whereby people are elected by a first-past-the-post system, whereby it would be fairly clear that someone had received, for example, 70 per cent of the vote? It is just that it is difficult in terms of trying to gauge which systems actually elect people according to the views of the electors. Could you give us a range of the different kinds of results that are thrown out, perhaps by deleting the names of the councils and the councillors? Could you give us a few statistical examples from a range of different councils about the proportion of the vote that they may or may not have received in terms of us being able to reflect on those voting systems?

**Mr Gately:** I would be very happy to provide that.

**CHAIR:** That would be terrific, because we have been given examples that show, for example, in block voting ballots where you have two votes, that 29 per cent of voters may have seen their first or second preference candidate elected, while 71 per cent might not see any person elected that represented their views. Clearly inversely, there would be examples whereby an overwhelming number of people do see someone elected that represents their views. It is just important to try to come to terms with the kinds of electoral systems.

**Hon KATE DOUST:** We talked earlier about the low voter turnout and the difference between the walk-in and the postal vote. Would local government be better served in terms of engaging their electors if there were a change in the system so that they moved from non-compulsory to compulsory voting for local government, and to be consistent with state and federal systems?

**Mr Gately:** The Local Government Advisory Board in its report looked at that. There are other challenges there, no doubt, in terms of the compliance, the non-voter penalty challenges and all that sort of stuff as well. The system that we have at the moment is voluntary in the local government setting, and that is what we have to work within. Within that constraint it is a challenge to encourage involvement for a variety of reasons, and the Department of Local Government and Regional Development is probably better placed to comment on that than I am. For some reason, electors choose not to get too involved in their local government politics and do not vote. The challenge for me and the department is to encourage that involvement. Postal voting is doing that. We need to try to expand on that. I think that compulsory or voluntary is not a matter I will get into. I provided input into that to the Advisory Board and that is there on that public domain.

**Hon KATE DOUST:** So do you have any recommendations of your own that you think may improve this bill that we are dealing with?

[12 noon]

**Mr Gately:** One advantage certainly of the Legislative Council counting system is the ability to recount. So, if there is a resignation, for example, from the council, then we go through a process and we re-run the numbers and then there is a result within 40 minutes at no cost. I note that with this system there is no opportunity to do that in the local government setting. That is something that

you may wish to consider. Local government does not need to do an extraordinary election. It can rerun the numbers subject to other requirements and from that there is a result.

**Hon KATE DOUST:** If there is the capacity to do a recount under this system - as opposed to the Council whereby it is usually the next person on the party ticket who would get up - would it simply be the next person with the highest number of votes?

**Mr Gately:** Yes, it would.

**Hon PAUL LLEWELLYN:** I want to unpack that a bit, because that means that anybody who puts their name up and who does not get in would have to be prepared two years later to step up to the mark. That is the implication, is it not?

**Mr Gately:** That is the circumstance in the Council. I would go back to those candidates, and only those candidates who ran for that region, to ascertain their willingness to renominate potentially and then, subject to that, they would become - there is a word for it - an authoriser or an endorsed candidate. The numbers would be rerun and their would be an outcome from that.

**Hon PAUL LLEWELLYN:** That is the procedure; one has to go back to people to ask them whether they are still in for it?

**Mr Gately:** Correct.

**Hon KATE DOUST:** From time to time you would get people saying no.

**Mr Gately:** Yes.

**CHAIR:** Thank you for your contribution this morning.

**Hearing concluded at 12.01 pm**

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