

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

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



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 9 AUGUST 2017**

SESSION TWO

Members

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

Hearing commenced at 10.41 am

Mr PATRICK GORMAN

State Secretary, WA Labor, examined:

Ms LENDA OSHALEM

Assistant State Secretary, WA Labor, examined:

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

Before we begin our questions, do you have any questions about your attendance here today?

Mr GORMAN: No questions to the committee, but happy to make an opening statement.

The CHAIRMAN: Yes. That was my next question. Do you have an opening statement? So go ahead—a brief opening statement.

Mr GORMAN: Firstly, thank you to the committee for initiating this inquiry. It is really important for political parties and others involved in the democratic process to be able to put forward to yourselves ways to continue to strengthen that process. In an opening statement I am also pleased to thank the WA Electoral Commission and the commissioner and the commissioner's staff for the professional way in which they conduct themselves. In a vast state like Western Australia, I think they face challenges that no other Electoral Commission faces and they meet those challenges quite well. There is always room for improvement, but I am sure we will look forward to discussing that, but we want to place that note of thanks. It is important for us—because WAEC is not just the operator of the election, but it is also, of course, the regulator of political parties—that when they are in the public eye, we see their conduct being done in the most professional way possible because, of course, that reflects on us as political parties.

For the 2017 election it was WA Labor's most successful Labor campaign, winning a huge number of seats and having our largest ever amount of voter contact. We do not do that alone. We do that with a huge number of staff and volunteers and I think it is important for the democratic process to place on record our thanks to those staff and those volunteers who actually make these elections possible, not just on our side, but all political parties and other third party organisations that engaged with the political process. I also want to take a little bit of liberty, with the chair's indulgence, because I am on the record and I would like to take the opportunity—I rarely get the chance to say things on the parliamentary record—that one of the great reasons for our success was

my deputy, Lenda Oshalem, who sadly leaves us at the end of this month. Lenda was someone who made sure that we were compliant with all those things that WAEC wants, professional in the way we conducted ourselves and has great relationships across the political spectrum with other Electoral Commissioners. Lenda, you have done an amazing job. The party will miss you greatly and it is just fantastic I get the opportunity to say that on the record. And I think just for the committee—because you obviously have the passion about the effect of administration of elections, I think it is important to recognise there are people who give huge amounts of themselves, huge amounts of their personal time, make great sacrifices, professional and financial, to do jobs like this. Lenda is one of those people. She will be sorely missed in our show.

In the things we will discuss through your questions, of course, there are some concerns from WA Labor that we think the committee may be able to make recommendations on: concerns around the use of electronic voting; concerns around what we are seeing in terms of increasing cybersecurity threats that do not just sit within the realm of electronic voting. Those threats also sit in the realm of access to data, access to the roll and also things like the ability to mark off electorates on electronic rolls. There are concerns that I think the committee will make some very interesting recommendations on I am sure. We also have some concerns about implementation of the new ballot system—that is, the new coloured ballots—and how the colours were described and some very technical things that can be improved for the next election.

Further, there are some areas where technology may be useful. That is scanning and data entry of ballots and how that can be done in a more efficient way to allow both the Parliament and then the formations of government to happen in a more efficient manner. There are also concerns around communications that were and were not done by the Electoral Commission. That is the removal of the EasyVote card or any sort of direct-to-voter communication and, at the same time, some, I would say, creative, but not necessarily effective advertising campaigns. And I do not know the cost or effectiveness of those or whether that has been tested. That is something that I will suggest the committee may choose to inquire into.

There are also some things we think have been done very well. The provision of a three-week early voting period I think was good for all involved. Having a gap between the start of voting and closed nominations allowed the commission to avoid a number of mistakes and it was also, I think, welcomed by political parties across the spectrum. On the whole, professionalism of the staff, as I mentioned earlier, of the WAEC was notable and their ability to resolve issues quickly. I think the fact that you did not see any major complaints about the WAEC's conduct after the election is a testament to that. At that point, I will conclude an opening statement, unless there is anything Lenda wanted to add and thank you very much, chair, and look forward to answering your questions.

The CHAIRMAN: Thank you. I mean, picking up on some of the things you said in your opening statement, obviously you said that there was room for improvement. You made some suggestions in certain areas. Electronic voting—what are your specific concerns around that? Would you like to elaborate?

Mr GORMAN: I will start and Lenda will go into further details. I guess the concern is that there was a very low turnout of use of the electronic voting and I think—I do not know what was the cause of that. That was a concern. The fact that it has not been used by the Electoral Commission in non-parliamentary elections I think is also a concern. I would have thought, to me, you would go sub-parliamentary to initiate the testing of such a system prior to rolling it out in a statewide election where we did have a number of seats that were very close, as the member for Dawesville knows. We have an interesting situation where you would normally develop those technologies outside of the Parliament before implementing them for the Parliament. It is not offered as an option for local

councils. It is not offered as an option for industrial organisation ballots and you cannot purchase that service from the WAEC. Now, I would have thought you would at least be willing to put it to market before you were willing to put it in the democratic system given that the WAEC does have that ability to provide a market for elections, and I have dealt with them in a capacity with a student organisation way back when. So, I know that they provide a very professional service when they are confident of their product.

I think there is a lack of comprehensive auditing around the electronic voting process and the publication of that information is not made widely available. To maintain the integrity of that system, you would expect that there would be not just an audit but regular audits that were publicly available to allow people to see how that was working. You would also expect that some of the things that go into that dataset, that is—particularly I have got concerns around the use of electronic mark-off of the roll and some of those associated matters—would also have a comprehensive data auditing process. Beyond that, I think that the professionalism of that service lies with the New South Wales Electoral Commission, not with the Western Australian Electoral Commission and, therefore, there needs to be some local capacity to actually know what every single element of what the commission is running if they are going to implement it in our state elections.

They are some of the concerns. That is not to say there is not a time and place in the future for some of those services but it is a long way off, and it also is not the direction that some countries are heading, notably the United States, that has advanced some of these tools. They are heading 180 degrees in the opposite direction towards more secure, greater integrity systems, because of some of the concerns of the 2016 presidential election. I am sure Lenda will want to add some additional points.

[10.50 am]

Ms OSHALEM: The point that Patrick makes about publicly available audits is quite important. Most of everything we look towards is international when we are looking at the security and conduct of online ballots. The most recent local example was online voting in New South Wales and, interestingly enough, in reviewing the online voting capacity in the New South Wales election, there has been a few people write up some reports from their point of view of how it all kind of rolled out. Interestingly enough, nine days before the state election, at the Constitutional Centre, the WA State Library held a talk about the use of online voting in New South Wales, the obvious issues around security, the hacking risks, guaranteeing access, issues for scrutineers—you cannot scrutineer a model being used, an online or dataset model. It is an important part of the election process to be able to scrutineer all parts of that process. There are potential software error issues and other issues in ensuring voter privacy. This talk was happening as a review of the use of New South Wales online voting nine days before the WA state election, which brings us great concern about what auditing has been done in New South Wales, what auditing can be done in WA before we choose to, you know, make a decision about whether we expand or restrict the use of online voting.

Similarly, the federal Joint Standing Committee on Electoral Matters, in reviewing what they can internationally and some things locally about the use of online voting, argued that it risked catastrophically compromising our electoral integrity. Until we get something that suggests otherwise maybe we have a think about the expansion or the restriction of online voting.

The CHAIRMAN: Okay. And the other issue that you raised in your opening statements was the broader cybersecurity threats. I think that is something that is of concern to everybody and you said it goes beyond electronic voting. So, would you like to just expand on that?

Mr GORMAN: So we have all read news reports; unfortunately, that is partly what we have to rely on when we are dealing with state to state or non-state actors who seek to gain access to that sort of information. But the potential for access to important data such as the electoral roll or the ability to access the database which holds that roll and potentially adjust it in some way—that is, to remove people, not through the authorisation of the commissioner, but to remove people by some manipulation of the roll—is a concern. While we would always like to think that Western Australia is a place that is not a high priority for the people who may have the desire or the capacity to do those things, it would be better to know for sure that that is not happening, rather than just assume and hope. Again, I know the mechanisms by which some of that data is provided to political parties and the mechanisms by which members of the general public can access that information, but how it is precisely stored, managed and secured and regularly audited by the commission, I think is a really important thing. We are probably not the frontline of these challenges, but we know that one day we may be. It is something to be concerned about, not something to be paranoid about. Unfortunately, we do see a number of reports that attempts to gain access to those databases are occurring across the globe. Whether or not the roll is the final point or whether it is another piece of data, I think people would assume if you can get into the Electoral Commission's database you can probably get into a lot of other much more sensitive state government databases.

The CHAIRMAN: I will open it up to questions from the members. Deputy Chair.

Mr M.J. FOLKARD: Mr Gorman, your question in relation to the integrity—there are two sides of it, obviously: drifting away from the actual electronic voting as such or going down that road versus the old crayon on paper system, which has its merits. It cannot be corrupted simply because a person has to do it. There is not an exposure to that third party. Then you referred again to electoral rolls and that information. Does the Electoral Act actually cover those in any way or does it reflect the management of the electoral rolls in any way whatsoever or any protection?

Ms OSHALEM: As I understand it, the Electoral Act covers what political parties are entitled to. It covers how information can be used by political parties and what particular datasets they are entitled to. I am not exactly sure whether the Electoral Act covers how that data should be stored at the WAEC, nor do I think the regulations specifically cover that. But to give you an example of the global problem that it is, at the federal election in 2016 we got to go to—I cannot remember the suburb, but the centre that was scanning the Senate ballot papers for the AEC. We went to—I cannot even remember —

Mr GORMAN: Towards Bassendean.

Ms OSHALEM: Towards Bassendean, and I think it was a Fuji Xerox outlet. We signed in as political representatives from the Greens, the Liberal Party, the Labor Party, Nationals. We got to walk through the entire facility, including where they had on-site servers that were communicating to wherever—their securely stored servers. We had to sign two forms when we walked in—one as political party agents and another one, which was—now, I might be wrong about the name of the actual company, but I am guessing it is Fuji Xerox—Fuji Xerox's privacy policy or entry policy to which we were both questioning about signing something that has not been approved by the Electoral Commission that is restricting access or use of information that we see in the workshop, if you will, and whether there is an inconsistency between the application of that particular document and the document that allows us to adequately scrutineer the entire process of the ballot. That is the AEC. It is a global problem. I do not think there is anything in the act or regulations that says they can and cannot do those things, but I do think there is a need for the WAEC to potentially talk to the AEC and work out what, if anything, can be done consistently and if anything needs to be tightened up. For example, Fuji Xerox telling us that we cannot use any of the information that we see on the

workshop floor, is that a restriction on us and our ability to scrutinise the entire process and to question it and come to this committee and say we have concerns? We are not sure.

The CHAIRMAN: Just on that; you have obviously expressed some concerns and we will go through some more. Do you think you have an adequate opportunity to provide feedback to the WAEC?

Ms OSHALEM: Interesting point. Can I —

The CHAIRMAN: Sure.

Ms OSHALEM: One of the very first points that we need to make in this committee is that there should be a joint standing committee that is regularly looking and reviewing elections. I understand that —

The CHAIRMAN: That was going to be my next question —

Ms OSHALEM: I understand it is the purview of this group and by convention you have always looked at the election after it is done. But the rigorous process that is conducted federally compared to what happens at a state level is laughable at best.

The CHAIRMAN: And at a parliamentary level?

Ms OSHALEM: I mean at a parliamentary level, but also at the department. So the AEC has a rigorous process and it invites almost soon after—within a month, I think, we got an invite to go to the AEC here at WA head office talk to them about the issues we had, no matter how big or small they were. They took it on board. They even gave us feedback. I got an email almost straightaway from the WA manager that had some follow-up dot points of things that we asked about that we were unsure about. The process post-state election seemed rather informal and not too common at all. They are hardworking individuals at the WAEC, but we just got by chance an email and someone thought it would be a good idea to come and check with us how we thought the process worked.

[11.00 am]

Mr GORMAN: And it is unclear whether that informal process is then passed on to the commissioner, whether that is done as a formal report. I do not know if the committee gets provided a report of what those consultations were. Is that matter of course or does that just happen by luck? Is there a formal report back to the minister? I mean, is there a formal report of the election from the commission? I mean, that would, I would have thought, be the best way for this committee—sorry, a committee that may be recommended by this committee, to have a report from the commission on its activities, which then you inquire into, which would allow you to then stress test whether the commission itself is being honest about its successes and failures and, of course, the large number of things that do not fall within that because there are successes, failures and things that can be improved. Of course, we always want to focus on the things that can be improved.

The CHAIRMAN: In quick answer, the question you have posed to the committee is that we are a broad-ranging committee that covers a number of portfolio areas. It has been, as Ms Oshalem said, more a convention that the elections are looked at post-election. But we do not have any ongoing reporting relationship with the WAEC in the way that some of the other committees in other Parliaments around Australia have. So, we hear your submission and your concern and we will note that and we will consider that in our deliberations.

Mr Z.R.F. KIRKUP: We spoke about electronic security and it is a large concern of mine as well. One of the areas that we have looked at and has been raised by previous political parties—and my own experience was with respect to ballot paper security, the physical security, and the protocols around that, similar to 2016 and the Senate operations and election from the AEC. Did the Labor Party

experience any issues or raise any issues that you would like to let us know about with respect to ballot paper security and the like?

Mr GORMAN: We both raised and are aware of concerns, and I will outline a few and Lenda will outline some further concerns. The first does actually come to the issue of the new ballots and that was something that —

Mr Z.R.F. KIRKUP: The design?

Mr GORMAN: The design and the colour and in terms of ensuring the integrity of those ballots. Actually we found some areas where it was harder for the party to be able to communicate effectively to scrutineers what colours those ballots were because the ballot colours were described in a vague sense. Colours were not shared; it would be hard for a scrutineer to identify a correctly or incorrectly coloured ballot paper purely because that communication was done quite poorly.

On the matter of ballot paper security, I have a large concern about the consistency of training provided to returning officers. There needs to be something that says, “Here are the standards” and they need to be providing some sort of checklist or report back saying, “Here is how we handle the ballot papers at every stage” because that is very unclear. There is, I think, potential that some of those training materials could be shared even with this committee or political parties. So, again you would deliver —

Mr Z.R.F. KIRKUP: Do you have an expectation about what that looks like?

Mr GORMAN: Yes, because often it comes down to a gut feeling of a returning officer versus the gut feeling of a scrutineer and that is just a terrible position for everyone to be in, because it ultimately ends up with myself calling the commissioner and neither of us knowing what is actually happening at someone’s house in the outer suburbs. So that needs to be addressed and, I think, training and clear communication of expectations of what happens after six o’clock. We fight so hard about what happens up to six o’clock, but after six o’clock on election day there are a lot of procedures that could be better codified.

I will also share with you a personal story of my experience on ballot security, which is not just about the handling of ballot papers, but the distribution of ballot papers. I went to the Morley early voting centre to vote. At that point in time, I was enrolled in the electorate of Perth. I was handed a ballot paper for the seat of Maylands. For me, during early voting—I took the opportunity—that shook my faith in particularly an early voting centre where you would think you had staff doing day-on-day activities. I did not get an answer from the commissioner about what happened there. My guess is there was some issue with the—actually, I do not know. But it was odd to have been provided that ballot paper. Those sorts of things are also concerns and ballot security and ballot handling and how do you ensure that ballot papers are not next to each other. We all would have seen—or some of us would have seen the expander files that hold a ballot paper for every seat and maybe that is not a great way to ensure that. Mistakes are made in that case. Lenda will have more things to add on ballot security because you are right to identify it was a concern.

Ms OSHALEM: The colour of the ballot papers got clarified with political parties on 24 February after early voting had started on 20 February. The reason from the WAEC is that they did not want the colour to be replicated so easily, but they in doing so would have negatively impacted on potentially franchising voters or misleading our scrutineers et cetera. That timing needs to be fixed. I understand not giving us the codes so that we do not get it exactly right but to clarify the name of the colour —

Mr Z.R.F. KIRKUP: Sorry, Lenda, I did not mean to cut across you. Is the commission suggesting that political parties may try to replicate the ballot paper—from what perspective? Perhaps the replication on the how-to-vote card—is that the best? Or were they suggesting printing it out —

Ms OSHALEM: I think the Electoral Commission has consistently taken a view of not providing as much information to political parties or to people who request, I should say—I do not think it is specifically political parties—to avoid the risk of potential duplication or replication of ballot papers. They have done it by not telling us historically the GSM of the paperweight, the particular watermark, crest that they intend to use. Ages ago they used to be restricted on the font they used, but once we kind of squared off that it was all about, you know, franchising and clarity in presenting a how-to-vote, they kind of got over that. Not presenting the name of the colour seemed silly. Not giving us the Hex codes or the RGB codes et cetera—fine. But to not tell us what they were going to define the Legislative Council ballot paper colour as until 24 February seemed a bit silly.

Mr Z.R.F. KIRKUP: After voting has started.

Ms OSHALEM: So they sent out an email that said, “Just to clarify, the Agricultural ballot paper is now referred to as pale green, the South Metropolitan ballot paper is now referred to as warm red.”

The CHAIRMAN: How does that differ? Obviously at a federal election there are only two colours, whereas here there are, I think, seven.

Ms OSHALEM: Six. Six regions and then a —

Mr P.A. KATSAMBANIS: Six regions plus the white. But, procedurally, how does that differ with the AEC? They tell you the colour; they give the codes. What is it that they do?

Ms OSHALEM: It is generally going to be a white piece of paper. It could be any shade of white. It could be pearl. It could be whatever it is, but you are not at pains to try to explain to a voter when you are trying to give them direction on how they should cast a formal vote that they are looking for a yellow or a red or a blue piece of paper. In the case of, say, Mr Gorman when he goes to cast his vote, he would be able to tell the difference between Perth, which sits in the North Metropolitan Region and Maylands, which sits in the East Metropolitan Region, whether he has been given the wrong or right how-to-vote. So, the difference is there are not a lot of colours at the AEC level.

[11.10 am]

The other point about security, only as a suggestion, for the long-term benefits of us understanding the impact of our decisions that we make at a parliamentary government level, is that there has been a lot of reform at the federal level about Senate voting, preference flows and things like that. In order to help guide that information, but also an added benefit, is enhancing the security of ballot paper storage post-election, because, as Patrick said, post 6.00 pm on election day, we are actually all very much so in agreement about all the things that need to happen between all the political parties. One thing to enhance the security and also to help us make good decisions about the way in which preference flows or voting is conducted in the upper house or even Senate is to do scanned data entry of ballot papers, particularly with the Legislative Council. They do this at a federal level. I do not know the amount of resourcing that is definitely required to undertake that, but there has been a lot of research locally and internationally about outcome of those Legislative Council or Senate results being more accurate once it has been scanned and read by a computer and then checked manually—human check of the entries of the voting ticket. I just think also that enhancing the security of the storage of the ballot papers post-election. It might be something worth considering, but, as I said, I am not sure of the resource requirement impact of that.

The other thing to note is fresh scrutiny of ballots is conducted on the Sunday, most of you would know. That means the local returning officer who has all of the ballot papers that were cast on

election day either turns up to a community centre that has been booked for them or even conducts a fresh scrutineer at their home, recounts exactly what was counted on the night and double-checks all of the numbers. Now, all parties and candidates are entitled to nominate scrutineers to attend these fresh scrutines. There were some at this election that were held in a local returning officer's home where the people involved in assisting that local returning officer would likely be friends or family. In some cases, you were not able to be 100 per cent certain that these individuals were definitely over the age of 18 and I think that is something that is very important given that people over the age of 18 are entitled to participate in this part of the process. I do not know necessarily that people 17 years should or could be counting ballot papers, even if it is in the capacity of an WAEC volunteer. At times, we had reports from the number of fresh scrutines that we attended, or sent scrutineers to, that our people were able to walk over the top of ballot paper packs which were left to the side of a house. It is very questionable. I think it has been raised to a review of this committee for the last two elections, if I understand my history correctly, and it is of great concern.

I think the AEC has a specific requirement that it cannot be conducted in a person's home. I think the WAEC sort of needs to catch up. You cannot have these fresh scrutines take place in a home. You need to make available, as Patrick said, a standard set of rules or a training pack or a guideline to all the returning officers so they know not to just leave the packs lying around.

Mr Z.R.F. KIRKUP: It is an easy thing to do.

Mr D.T. PUNCH: I would be keen to get your thoughts about the issues of remote area voting, and particularly cultural engagement of the Aboriginal community.

Mr GORMAN: So, I guess one thing that would be good to see this committee recommend is that the schedules for those remote and regional communities where it is special voting is published early and that there is a hard deadline when the commission should provide that. Also a hard requirement of what the commission should do to communicate that to those communities. There was great variability in both the timing of confirmation and the communication and then the changes that the commission or the flexibility by which the commission then chose to or chose not to be able to deliver a solution to some of those communities where for weather or other reasons they were unable to deliver on their initial date. There is a huge opportunity for this committee to say, "We want to see a program, we want to be comprehensive and we would like to see that program be communicated to those communities and to candidates in the following way."

There was a lot of discretion or umming and aching at different levels of the returning officer and polling official hierarchy about who was deciding what at what times. I think there was also a question about resourcing. The commission did regularly say to us—they probably would not say to you if they presented, but they would regularly say to us—they did not have the resources to do certain things. That, as far as I am concerned, is not good enough. That is a reason for people to go and say the commission needs to have the resources to ensure everyone has the ability to cast a ballot, particularly those who do not live in London, those who do not live in New South Wales. Those who live in Western Australia should have a reasonable ability to be able to cast a ballot, and resourcing is not a good enough excuse as to why that is not being done.

On the positive side, there was an increase in enrolment because of some of the changes that were put through by the previous government. I think the previous government deserves due credit for actually seeking to do what it could within Western Australia to harmonise with the enrolment provisions of the federal act. That is a good thing for everyone. It is a good thing for voters who do not have the experience of going to the federal election and voting and then going, "What? But I was on able to vote; I was on the roll and all of a sudden I am not." I mean, we were getting to a point of a ridiculous gap in the two rolls and particularly in regional and remote communities. So

I think that was a good thing to have addressed and, again, credit to the previous government for addressing that. Lenda, I think, has some further notes. She may wish to highlight some other —

Ms OSHALEM: After you have done about five statewide elections, you wish you could just sit down and just rewrite the rules yourself—anyway.

Mr Z.R.F. KIRKUP: So say the political parties.

Ms OSHALEM: You now have that ability. Anyway, we all kind of saw it, I think, on social media, but the commission also indicated to us that they were doing online advertising to try to boost enrolment. It would be good to get from the commission—potentially, a question on notice—how effective those advertising strategies were online. Similarly, one thing that we do know from lots of reports and kind of research reports on social media in Australia is that the Indigenous community is the most active on Facebook and it would have been interesting to know whether the WAEC used any of their targeted Facebook strategy to target the Indigenous community in northern Western Australia.

The point that Patrick makes about resourcing links to a comment he made in his opening statement about the EasyVote card, which is quite important. There are lots and lots of research that indicates that when people know where they can go to vote, they are more likely to vote. When people understand how they cast a formal vote, they are more likely to cast that vote formally. The cutting of that EasyVote card, which I understand is a resource-intensive exercise, sending every household a direct mail or a UMS costs potentially about a million bucks if it is not even addressed. It is important to know then: What is the offset? What did the WAEC do to increase awareness and understanding of where people vote and how they can cast their vote formally? Were those methods that they adopted effective?

They repeatedly told us leading up to the election that they were going to investigate, and I think they are actually on the record with a committee in the last 12 months or 24 months saying that they were going to investigate targeted strategies to engage in CALD and Indigenous communities. Great. What were those strategies? Did they work? How do we know whether they increased or decreased turnout or formality of those votes? There needs to be a consideration of that. I think the Northern Territory, if I understand correctly, has the best example of how best to describe how to cast their vote formally without using words on a piece of paper. They have imagery. They have videos. They have examples. They have gone out and thought about, as I understand, all the different kinds of ways you could explain how to cast a formal vote. We do not know whether WAEC actually has those tools. I do not think they make them available online when I go and look at the elections.wa.gov.au website. It would be interesting or worthwhile to explore is there a better way to enfranchise or to encourage that formal vote, particularly in Indigenous and CALD communities?

[11.20 am]

Patrick has touched on the difficulty of organising the remote schedule. There is one particular point though. This is getting into the weeds of it, but the AEC at the federal election changed how they would do their schedule for remote communities. They changed it to adopt whatever the model is that the Northern Territory uses. Whatever that was, was not a good idea. Whatever works for doing the remote community schedules in Northern Territory is not going to work for Western Australia. For example, the Gibb River Road used to be a week on the remote schedule. At the federal level, they chopped up the Gibb River Road communities and put things in different days or weeks. It is a logistical nightmare what they did at the AEC level at the federal election. So, I think a positive point is: at least the scheduling as best as it can be done is done well by the WAEC. They seem to have a better understanding of how these communities all interact with each other in northern Western Australia than the AEC do. So, keep the schedule as is, but potentially just tweak a few

things. So, for example, release what you can as early as possible. Make your changes known to the party officers. We were getting updates from our local campaigners in the Kimberley before the WAEC was willing to give us that information. There is just stuff that can just be tightened up in that respect.

Mr M.J. FOLKARD: Without talking over you, are you reflecting then that we know when the next election is, we know it now.

Ms OSHALEM: We knew it then. Yes.

Mr M.J. FOLKARD: So, basically, the management of the election should start virtually today or just started on the 12th for the next election.

Ms OSHALEM: It is an interesting point and I think we need to look at the act because I think the restriction is that they cannot do a number of things until the writs are issued, but we all know what the date is.

Mr M.J. FOLKARD: We all know the dates of when the writs are being issued. I mean, we spoke about positioning pre-poll. We know, rather than using commercial premises, using local government premises to get away from it, and we can lock those in four years out as of today.

Ms OSHALEM: You might want to think carefully about that because of security issues, because I understood the reason why they have not used local government facilities previously is because you do not know who is walking in and out and you do not know which political parties may or may not be represented on that council, even though all the councils are independent, and who has access to that. I think that is the reason why —

Mr M.J. FOLKARD: They are mechanical issues, rather than —

Ms OSHALEM: But I think that is why courthouses were previously used, but I do not think they are available anymore and why private facilities are now being used more often. However, the restriction around those private facilities not allowing electioneering by volunteers is an issue that needs to be looked at.

The CHAIRMAN: That is another issue that has arisen already during our inquiry. Pre-poll centres—do you have any comments about the number, the location, and any variation in the rules or the practical operation within locations?

Mr GORMAN: We do. I think it does again partly come to the resourcing question, but it also comes to: what is the standard that a voter in a particular electorate can expect? If the standard is they can expect to vote early in their electorate prior to election day through either a postal vote or by attending an early voting centre, then the commission needs to be directed and resourced to provide that standard. Now, one of the arguments we received as to why there were a limited number and why they were sometimes in odd inaccessible or uncampaigned locations was that they could only rent them for a certain period of time and that they had to go to the market very late in the piece.

We have all probably had experience in renting commercial property. You just need to provide the mechanism so they can go to the market earlier. I mean, I have been involved in renting campaign offices. Often that happens sort of six months out, and we all know what people look for in those, which is high visibility and easy accessibility for volunteers and getting stuff in and out. So, I do not see why the commission could identify those six months out, sign their leases earlier—and also would again be an extra piece of data that is available early. We have a view that it should be available within every electorate, possibly more in some of those large regional electorates and,

again, there may a number of square kilometres about how many per electorate in some of those situations.

There is another area in that sort of early voting accessibility that I think kind of partly touches on the member for Bunbury's earlier question, which is just the issue of voters who—and there is a large chunk of them in Western Australia—work in fly in, fly out situations. We know there have been accessibility issues in terms of voters who have very large swings or stays on Barrow Island not being necessarily able to access any of the voting options that are provided if they fly out prior to the opening of early voting or they fly out at a time that the centre is not open or on a flight that is not near a voting location at the airport. We have a number of other mining sites that have similar issues where people may be working for three to four weeks. Obviously, when you see some of the cost-cutting that is happening in the mining and resources industry, that does tend to extend the number of days that people are on. There is a huge opportunity to increase franchise in that space and there is potentially some legislative change that is needed to ensure the Electoral Commission has the right of access. Whether that sits in state agreements, whether that sits in the Electoral Act—my view is it should sit in the Electoral Act—about the rights of the commissioner or the delegate to access a location for the purposes of conducting a poll, that is an issue. Again, I do not have the data that would allow us to show that to be an issue because we do not know whether people fly in, fly out, but anecdotally has been raised with us a number of times. We have written to the commission and the Australian Electoral Commission as well about that matter. It does need to be addressed sometime in the next four years, because it is a huge part of Western Australia's economy and also we should have a system that reflects the type of economy and society that we are.

Ms OSHALEM: Can I place on record our complete support for removing the requirement for an elector to state a reason when they are seeking to cast their vote earlier at an early vote centre. It was a decision of the previous government. It was a very sound decision and one that should be kept.

Mr A. KRSTICEVIC: Do you think that the early voting centres should be open after 5.00 and on weekends, firstly? Because obviously at the moment—I think pretty much between 8.00 and 5.00 is most of them and I would have thought that would defeat the purpose of allowing people to vote after work or on weekends. Secondly, do you have a view on the early voting centres where there were different rules for different centres about whether or not you could have people handing out or have your paraphernalia displayed, and do you have a preference for a uniform model and which model would it be?

Mr GORMAN: I will answer the second question first—a preference for a uniform model very much so. Again, it reduces the stress on the local returning officer and the staff who are at that centre. It avoids arguments of certain parties being able to be present and others not. It would probably also improve the conduct of political parties, particularly new political parties who may not be as familiar with the act in terms of what they choose to do at some of those centres. And I think there is an expectation that there is a right to engage to the voter as they go to make their vote. So, our preference would be for a standard that says any lease signed with the Western Australian Electoral Commission will ensure the right for a number of volunteers—at least the number of registered political parties that are in the state at that time—to be present in the vicinity of that particular centre. It is something that people who have a passionate engagement with the electoral process as volunteers handing out how-to-votes for all parties expect. It is usually just terrible when you have got a volunteer in one location who can do one thing and a volunteer in another cannot who cannot. Of course, we have seen examples where those who seek to assert their right or ownership of a particular piece of land say, “Well, that political party is okay, but they were here first and I am

only allowing one for the day so you can come back tomorrow” or whatever. So, all those sorts of silly things. It is not the spirit in which Australia conducts elections. So, anything you can do that would address that would be very welcome.

As for expanding the times of voting, we think the three-week period is right and that a one-week gap between the close of nominations and the opening is very important. So, I would not want to see any expansion of times contract or take away what we currently have in that regard, but very open to a discussion about some late night voting that matches late night shopping or possibly a Sunday opening once in a three-week period that would mean that you have effectively given an opportunity for anyone—people who are available during the week, Sundays, a Sunday, and then you would have, of course, election day on the Saturday. I am just sort of conscious of quite rightly held concerns of people around what time you might start and close that on a Sunday given people’s work commitments and religious commitments.

[11.30 am]

Mr M.J. FOLKARD: We had a comment made earlier on today about instead of having the period three weeks, reducing it to two weeks but using the same resources; so opening at eight, finishing at, say, nine o’clock at night and polling over the weekends—greater flexibility, greater access to the voters et cetera. What are your thoughts on that?

Mr GORMAN: I think the three weeks was a success, so I would not seek to add something at the expense of something else. The committee may seek to look at other options or other ways the Electoral Commission provides opportunities for voting. I think the three weeks was a success. We did see a very high early vote turnout, and that was fantastic. We may talk about some of data that might be provided on a daily basis to parties to maybe help us make a more informed comment about some of these questions.

Ms OSHALEM: As is provided at federal level. But also you will see a requirement to increase the number of early vote centres and you will see queues outside early voting because early voting is increasing time and again. So it becomes a resource-intensive two weeks, rather than a steady stream over three. You will probably notice the patterns yourself as members of Parliament. The first couple of days people dribble in and it spikes because of knowledge and then it kind of comes down again, spikes again in the second week, comes down again around a week and spikes again in the final week and stays up until election day. With the increasing hours, the AEC model in the final week extends Thursday night to a bit longer and includes the Saturday or Sunday the week before election day. I think looking at the AEC schedule and replicating that, at least provides some consistency to voters that they know that if they usually vote on the Saturday before the Saturday, they can do that at a state and federal election.

The CHAIRMAN: Just for your assistance around the voting numbers, the WAEC has provided us—in week 1 they had around 30 000 voters; in week 2 around 56 000 voters; in week 3, 137 000 voters. It is quite clear that it was really a dribble in the first week.

Ms OSHALEM: I think one of the datasets that you should get is to compare that first week, three weeks out, compared to the last two elections and you will see that 30 000 is an increase from the last election. It will keep going up.

Mr A. KRSTICEVIC: In terms of the early voting centres as well, I went to Joondalup and when you walked up there, I mean, the bunting and everything, you just about fell on your bum. I did. To be honest, I did not even stick one of my corflutes up there even though some of my voters were going up there because I just thought there is no point because I cannot even see myself if I stick it up there, with just so much going on.

The CHAIRMAN: No, you were just kind to me.

Mr A. KRSTICEVIC: Do you think there needs to be to be a restriction, especially at the early elections, on how much territory people take up and how big they make their stalls. Obviously, what I was noticing every day was that the different parties were getting bigger and bigger with their displays and it was like just watching this thing grow into a mammoth —

Mr GORMAN: It takes over the whole state.

Mr Z.R.F. KIRKUP: I fear if that was the case in Carine, though.

Mr GORMAN: I think that is actually a symptom of the issue of not enough early voting centres. So I would suggest that possibly fixing that challenge would address that. I agree with you. It sometimes does seem a little bit over the top for an early voting centre and you sometimes also feel that you have got to have nothing left to put on the booth on election day, but I agree with you that that is a concern, but I think the solution is not a restriction of the amount but is actually an expansion of the number of locations, which would allow the corflutes for Carine to be very proudly displayed and prominent.

Mr M.J. FOLKARD: There were other voting centres that had nothing.

Ms OSHALEM: That is the individual restriction where the manager of the building says, “We will not allow any electioneering or any display of political material. Some people say each candidate gets one A-frame, based on their whim.

The CHAIRMAN: We can continue this conversation for a long time because we are all vitally interested, but we are restricted by parliamentary procedure. I was going to ask whether we have a final question or a final statement that anyone really, really wants to make.

Ms OSHALEM: This is not the final point, but I just wanted to say something to Tony. In New South Wales they restrict the size, materials on election booths, the political parties just work out a different way. In New South Wales one of the common things is to get a television on a billboard truck with sound and drive it around the booths instead.

Mr Z.R.F. KIRKUP: I am personally all in favour of the various signs in Carine.

The CHAIRMAN: Is there any final question, members? Anything that you think we have not covered that you think is really important to our deliberation, we would really like to hear that.

Mr GORMAN: I am sure there are many things. If the chair is willing, we may take the right to write to you subsequent to this presentation if there is anything else we want to —

The CHAIRMAN: Very happy to entertain a supplementary submission; very happy to do so.

Mr GORMAN: Thank you, chair. I just note on the discussion around two or three weeks, I think that does tie into that consideration of accessibility for people who work on a fly in, fly out basis. Obviously three weeks allows you to capture a larger sample of the population and 30 000 Western Australians is not an insignificant number. Given that is sort of 500 per electorate, it does make a difference.

I spoke a lot earlier about needs for auditing and public accountability in that space. The other thing that would help in accountability of the system is actually the provision of more data and information and regular feeds of that data. Lenda Oshalem mentioned a number of times the types of data provided by the Australian Electoral Commission. Potentially daily counts of number of voters would be a good thing; providing data around who has voted at certain points in the cycle could be useful; and providing data around who has registered or has been sent a postal vote. Those pieces of information increase understanding of what is happening in the electoral system and also,

I think, for the commission, provides an opportunity for them to actually know whether their system is working and also to be open and honest with people when it is not.

If you had only 30 000 in that first week, where was the Electoral Commission media release saying, “Only 30 000 people have voted and voting is only open for two more weeks. Get out there and vote”? Where was it? No, they were busy making the Lord McMurderface ads, which were just a disgrace in my personal view. That is not a party view; that is a personal view. I have not seen anything that shows the effectiveness of those ads. When they were played on Facebook, did they increase enrolments? Did they increase voter attendance? The data I have seen is that there was not a great increase in voter attendance. Again, possibly breaking that down by age, demographics, you may see a different thing, but Lord McMurderface is probably not going to see another election is my guess.

Looking to the future for this committee I think probably the most important thing that affects not just the next election, but the future of Western Australian elections is the recommendations you make on data security and ensuring the ongoing security of our electoral process. I think it is fantastic that you are conducting this inquiry. I think it is at a really important time in terms of what we are seeing with elections around the world and we really look forward reading the committee’s final deliberations.

The CHAIRMAN: Thank you. I obviously was not the target market for that Facebook ad because I never saw it. I will seek it out now.

Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 working days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. But we would be very happy to receive any supplementary submission or any other comments that you have separately to the corrections, either when you return the transcript or very closely after that.

Thank you for your time today. We also look forward to continuing the inquiry and reading your further submissions.

Mr GORMAN: Thank you very much.

Hearing concluded at 11.39 am
