

40TH PARLIAMENT



Community Development and
Justice Standing Committee

Report 3
ANNUAL REPORT 2017—18

Presented by
Mr P.A. Katsambanis, MLA
September 2018

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**Community Development and Justice
Standing Committee**

Annual Report 2017–18

Report No. 3

Presented by

Mr P.A. Katsambanis, MLA

Laid on the Table of the Legislative Assembly on 20 September 2018

Chairman's foreword

I am pleased to present the annual report for the Community Development and Justice Standing Committee, which outlines the work we have undertaken during the past year.

Our primary focus during the first half of this period was the completion of our inquiry into the 2017 State General Election. This inquiry aimed to address the lack of external oversight of electoral matters in the state by assessing the adequacy of the Western Australian Electoral Commission's administration and management of the election. While we identified areas of improvement, we concluded the election was conducted with professionalism, impartiality and efficiency. We recently held a follow-up hearing with the Commission to discuss steps it has taken to address some of the concerns raised in the inquiry report and are satisfied it has considered our recommendations and is implementing the appropriate changes.

A key concern outlined in the inquiry report was the adequacy of funding provided to the Western Australian Electoral Commission to conduct the 2017 election. Amendments to the *Electoral Act 1907* less than seven months before election day introduced both limited internet voting and direct enrolment, and removed eligibility requirements for early voting. Additional funding did not accompany the amendments; the Commission was allocated the same budget to conduct the 2017 election as the 2013 election. Consequently, the Commission was required to provide more services to more people with less funding.

We recommended the Commission's budget allocation for the next state general election be sufficient to support the good conduct of the election, which includes accounting for inflation and any legislative changes. As we outline in this annual report, the Government response provided by the Minister for Electoral Affairs declined to engage meaningfully with both this recommendation and the majority of our other recommendations. This means neither the Commission nor the Committee can be assured that additional funding will be forthcoming.

We have taken the opportunity in this report to flag our concerns with the Government response to our recommendations, particularly as it relates to the interpretation of the Standing Orders of the Legislative Assembly. We chose not to pursue the matter with the Minister because the subsequent response to the report provided by the Western Australian Electoral Commissioner covered off on many of the outstanding matters raised in the inquiry report. However, we wanted to emphasise that alternative interpretations of the Standing Orders do exist, which would allow the Minister for Electoral Affairs to respond to all recommendations.

We commenced our inquiry into the protection of crowded places in Western Australia from terrorist acts in early 2018. As the inquiry has progressed, the complexity of the counter-terrorism environment both nationally and within Western Australia has become increasingly clear. According to some contributors to the inquiry, other Australian jurisdictions have yet to address many of the matters that the Committee is considering. Conducting the inquiry has therefore proven to be challenging and rewarding.

We are of the opinion that, once completed, our inquiry findings and recommendations will assist Western Australia to further strengthen its preparedness for a terrorist act on a crowded place. The Committee intends to table its initial report on this inquiry in October 2018 with a final report published in early 2019.

Finally, I would like to thank my fellow committee members for their collegiality and contribution to Committee proceedings over the past year. Each member brings a unique and valuable insight to our deliberations, which I believe strengthens the Committee as a whole.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

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Chapter 1

Committee activities

A report on the activities of the Community Development and Justice Standing Committee for the financial year 2017–2018.

Introduction

During the course of this reporting period—1 July 2017 to 30 June 2018—the Community Development and Justice Standing Committee (the Committee):

- Completed the Inquiry into the Administration and Management of the 2017 State General Election.
- Commenced the Inquiry into the Protection of Crowded Places from Terrorist Acts.
- Conducted one agency review hearing related to the portfolio area of Emergency Services.
- Undertook investigative travel to Melbourne, Canberra and Sydney.
- Tabled two reports (including the annual report 2016–2017).

A summary of the activities of the Committee during the course of this reporting period is provided in Table 1.1.

Table 1.1: Summary of activities of the Committee, 1 July 2017–30 June 2018

Description	Activity
Reports tabled	2
Deliberative meetings	21
Hearings	26
Briefings	21
Witnesses	114

Portfolios

The Committee is responsible for the following 21 portfolio areas:

- Aboriginal Affairs
- Electoral Affairs
- Women's Interests
- Disability Services

- Police
- Emergency Services
- Road Safety
- Sport and Recreation
- Culture and Arts
- Attorney General
- Corrective Services
- Child Protection
- Community Services
- Seniors and Ageing
- Volunteering
- Local Government
- Environment
- Youth
- Veterans Issues
- Citizenship and Multicultural Interests
- Prevention of Family and Domestic Violence

Public hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2017–30 June 2018, the Committee conducted 26 public hearings, taking evidence from 58 witnesses to assist with its investigations.

Table 1.2: Witnesses who provided evidence at public hearings of the Committee, 1 July 2017–30 June 2018

Date	Witness	Position	Organisation
9 August 2017	Mr Samuel Calabrese	Interim State Director	Liberal Party of Western Australia
	Mr Patrick Gorman	State Secretary	WA Labor
	Ms Lenda Oshalem	Assistant State Secretary	
16 August 2017	Hon Jacqui Boydell	Campaign Director	The Nationals WA
	Mr James Hayward	State President	
	Mr Simon Glossop	State Director	
	Mr Lachlan Hunter	Former Young Nationals President	
	Mr Ozzie Coghlan	Scrutineering Coordinator	The Greens (WA)
21 August 2017	Mr Chris Avent	Deputy Electoral Commissioner	Western Australian Electoral Commission
	Mr Garry Waldron	Kimberley Returning Officer	

Date	Witness	Position	Organisation
6 September 2017	Ms Anne Fergusson-Stewart	State Secretary	Shooters, Fishers and Famers Party (WA)
13 September 2017	Mr Antony Green	Election analyst	
	Mrs Christina Ward	Deputy Director	Edmund Rice Centre WA
11 October 2017	Mr Ross Wortham	Chief Executive Officer	Youth Affairs Council of Western Australia
	Mr Stefaan Bruce-Truglio	Policy and Advocacy Officer	
	Miss Tamkin Essa	Project Support Officer	
	Ms Sara Shengeb	Project Support Officer	
18 October 2017	Mr John Schmidt	Electoral Commissioner	New South Wales Electoral Commission
	Mr Simon Kwok	Executive Director, Elections	
	Mr Mark Radcliffe	Director, Election Innovation	
	Ms Alison Byrne	Executive Director, Funding, Disclosure and Compliance	
1 November 2017	Mr Darren Klemm	Commissioner	Department of Fire and Emergency Services
	Mr Lloyd Bailey AFSM	Deputy Commissioner Operations	
	Mr Malcolm Cronstedt AFSM	Executive Director, Office of Emergency Management	
	Mr Murray Carter	Director, Office of Bushfire Risk Management	
14 February 2018	Mr David Etherton	Chief Executive Officer	VenuesWest
	Mr Martin Mileham	Chief Executive Officer	City of Perth
	Ms Rebecca Moore	Director, Community and Commercial Services	
21 February 2018	Mr Richard Sellers	Director General	Department of Transport
	Mr Ray Buchholz	General Manager, Marine Safety	

Date	Witness	Position	Organisation
	Mr Mark Burgess	Managing Director	Public Transport Authority
	Mr Steve Furmedge	Director, Security Services	
	Mr Peter Jones	Acting Executive Director, Transperth System, Regional and School Bus Services	
	Mr Geoff Glass	Chief Executive Officer	City of South Perth
	Mr Peter Roaen	Event Manager	
	Mr David Fyfe	Infrastructure Planning Officer	
	Mr Patrick Quigley	Manager Community, Recreation and Culture	
14 March 2018	Mr Michael Dyer	President	Security Agents
	Mr Ronald Adams	Executive Officer	Institute of Western Australia
	Mr Scott Parry	General Manager	NPB Security
	Mr David Barrett	General Manager	
21 March 2018	Mr Malcolm Reed	Regional Asset Manager WA	Lendlease
9 May 2018	Mr Chris Dawson	Commissioner of Police	Western Australia Police Force
	Mr Paul Zanetti	Assistant Commissioner, Specialist and Support Services	
	Mr Craig Donaldson	Commander, Counter Terrorism and Emergency Response	
16 May 2018	Dr Ron Edwards	Chair	State Emergency Management Committee
	Mr Malcolm Cronstedt	Executive Officer	
13 June 2018	Mr Marcus Canning	Chief Executive Officer	Artrage
	Mr Tony Pearce	Inspector General	Inspector General for Emergency Management, Victoria

Date	Witness	Position	Organisation
20 June 2018	Mr Danny Baade	Head of Security	Gold Coast 2018 Commonwealth Games Corporation
	Mr Graham Coleman	Superintendent, Games Operations, Commonwealth Games Group	Queensland Police Service
27 June 2018	Mrs Melissa Pexton	Manager Emergency Management	Western Australian Local Government Association
	Mr Kevin Bain	Director	RapidKAT
	Mr Albert de Boer	Director	
	Mr Tiago Ferreira	Business Development Manager, Genetec	
	Mr George Tilbury	President	WA Police Union
	Mr Brandon Shortland	Senior Vice President	
	Mr Matthew Payne	Research Officer	

Briefings

In addition to gathering evidence during the formal hearings, the Committee received four briefings in Perth. The briefings were used to obtain information in relation to the Committee's inquiry into the protection of crowded places from terrorist acts.

Table 1.3: Briefings provided to the Committee in Perth, 1 July 2017–30 June 2018

Date	Name	Position	Organisation
8 November 2017	Ms Helen Gladstones	Principal Policy Officer	Office of State Security and Emergency Coordination
	Mr Justin Court	Senior Policy Officer	
	Mr Chris Dawson	Commissioner of Police	Western Australia Police Force
	Mr Stephen Brown	Deputy Commissioner, Specialist Services	
	Mr Paul Zanetti	Assistant Commissioner, Specialist Support and Services	

Date	Name	Position	Organisation
	Mr Craig Donaldson	Commander, Counter Terrorism and Emergency Response	
22 November 2017	Professor Craig Valli	Director	Edith Cowan University Security Research Institute
	Associate Professor Mike Johnstone	Member	
12 May 2018	Mr David Etherton	Chief Executive Officer	VenuesWest
	Mr Phil Johnston	Public Safety and Security Operations Manager	
	Mr Chris Loftus-Hills	General Manager, Events and Operations	VenuesLive

Investigative travel

As part of its inquiry into the protection of crowded places from terrorist acts, the Committee conducted investigative travel to Melbourne, Canberra, and Sydney during the period between 30 April and 4 May 2018. The Committee held 17 briefings and met with 45 people representing government departments and agencies, owners and operators of crowded places, local government, academia, and the security industry.

Reports tabled

The Committee tabled two reports during the period 1 July 2017–30 June 2018.

Report 1: The Committee's annual report for 2016–17 was tabled on 7 September 2017.

Report 2: On 15 February 2018, the Committee tabled its first major report, *2017 WA state election: Maintaining confidence in our electoral process*.

Response to 2017 election inquiry

Government response to 2017 election inquiry

The Minister for Electoral Affairs, Hon Bill Johnston MLA, tabled the Government response to the 2017 election inquiry report on 9 May 2018. The Minister supported recommendations 21 and 27, and noted recommendation 26 (see list of recommendations at appendix two).

The Minister did not respond to 23 of the report's 27 recommendations, considering them to be directed to the Western Australian Electoral Commission (the Commission). It was the position of the Minister that the *Electoral Act 1907* (the Act) and the Standing Orders of the Legislative Assembly of the Parliament of Western Australia, when taken together, prevented the Government from responding. The Minister interpreted section 5F(2) of the Act to signify that the functions of the Western Australian Electoral Commissioner are to be exercised independently, and that Standing Order 277(1) only permits the Government to respond in regards to the Government's proposed action.¹

The Minister also declined to respond to recommendation 1, stating that it was 'not directed to the Government'. This recommendation sought

That a joint standing committee into electoral matters is established to inquire into, consider, and report to Parliament on any proposal, matter, or thing concerned with the:

- *Conduct of parliamentary elections and referendums in Western Australia.*
- *Conduct of elections under the Local Government Act 1995.*
- *Administration of, or practices associated with, the Electoral Act 1907 and any other law relating to electoral matters.*

It was the position of the Minister that this recommendation related to the Legislative Assembly Standing Orders and the matter was therefore not in the authority of the Government.

The Minister did not respond to recommendation 18 because he incorrectly identified the recommendation as being directed to the Commission. This recommendation actually related to a matter requiring amendment of the Act and, by implication, was directed to the Government.

The Minister's interpretation of the Act and Standing Orders curtailed his ability to evaluate recommendation 26, which recommended the Commission's budget allocation for the next state general election be adjusted for inflation and is sufficient to support the good conduct of the election, the effective implementation of the recommendations made in the report, and any subsequent legislative changes. Instead,

1 Legislative Assembly Standing Order 277(1) states, 'A report may include a direction that a Minister in the Assembly is required within not more than three months, or at the earliest opportunity after that time if the Assembly is adjourned or in recess, to report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the committee'. Section 5F(2) of the *Electoral Act 1907* (Western Australia) states, 'The Electoral Commissioner may do all things necessary or convenient to be done for or in connection with the performance of his functions.'

the Minister said because the majority of recommendations in the report were not directed to the Government, 'it is not possible to evaluate this recommendation.'

Committee view of the Government response

The Committee has a view contrary to that put forward in the Government response, particularly with regard to the interpretation of the Standing Orders of the Legislative Assembly.

The Standing Orders do not prohibit the Government from responding to recommendations directed to the Commission

Standing Order 277 empowers a committee to direct a Minister to report to the Assembly as to the action, if any, proposed to be taken by the Government **with respect to** the recommendations of the committee. The broad phrase 'with respect to' makes clear that the recommendations do not have to be directed to the Minister for Electoral Affairs but simply relate to matters within his portfolio responsibility. The 22 recommendations relating to the Commission's operations clearly fall within the Minister's responsibility for electoral affairs.

Further, there is nothing in the Standing Orders precluding the Minister from providing his views on the merits of any recommendations, including those directed to the Commission.

The Standing Orders do not prohibit the Government from responding to recommendation 1

The Committee believes the Government response to recommendation 1 was incorrect for the following reasons:

- It is well within the Committee's jurisdiction to make the recommendation.
- The proposition that the 'Standing Orders of the Parliament are not matters in the authority of the Government' does not reveal a reason why the Government cannot respond to the recommendation. Whilst the recommendation 'concerns' Standing Orders, the recommendation equally 'concerns' electoral matters. It is because electoral matters fall within the portfolio responsibility of the Minister that the Minister has been directed to respond.
- The fact that recommendation 1 requires the agreement of both Houses—regardless of whether the recommended standing committee is incorporated in the Standing Orders or not—does not mean that the Government cannot respond to the recommendation. On the contrary, the recommendation clearly falls within the Minister's portfolio and it is unlikely to ever be implemented without Government support.

Although the Committee disagreed with the Government interpretation of the Standing Orders, it chose not to pursue the matter further with the Minister. It felt the subsequent response provided by Western Australian Electoral Commissioner David Kerslake covered off on many of the outstanding matters (see below). However, the Committee wants to emphasise that alternative interpretations of the Standing Orders do exist, which would allow the Minister for Electoral Affairs to respond to all recommendations, regardless of to whom they are directed.

Western Australian Electoral Commission response to the 2017 election inquiry

At the Committee's invitation, the Western Australian Electoral Commissioner provided a written response to the 22 recommendations directed to the Commission in the 2017 election inquiry report. The Commission also appeared before the Committee in a public hearing to discuss actions it was undertaking to address the issues raised in the report.

Of the 22 recommendations, the Commissioner agreed with 14 and was in partial agreement with a further four recommendations. Only four recommendations were not supported by the Commissioner (see appendix three).

Work in progress

The Committee commenced its inquiry into the protection of crowded places from terrorist acts on 13 February 2018. The inquiry is considering the oversight of counter-terrorism arrangements and preparedness of crowded places in Western Australia. The Committee intends to table its initial report on this inquiry in October 2018.

Chapter 2

Financial statement

Expenditure of the Committee during the financial year.

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditure is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2017–30 June 2018 (in accordance with Standing Order 276) is detailed in Table 2.1.

Table 2.1: Expenditure items of the Committee, 1 July 2017– 30 June 2018

Expenditure Item	\$
Advertising	6,074
Couriers	420
Printing	845
Staff and Member amenities	884
Trip expenses	32,587
Taxis/Hire	2,742
Video conferencing	326
TOTAL	43,878

Notes:

- Figures rounded to nearest dollar.
- Excluded:
 - Salaries of committee staff.
 - Costs of shared administrative expenses, including lease costs for committee accommodation.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

Appendix One

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on:

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Two

Recommendations from *2017 WA state election*

Recommendation 1

That a joint standing committee into electoral matters is established to inquire into, consider, and report to Parliament on any proposal, matter, or thing concerned with the:

- Conduct of parliamentary elections and referendums in Western Australia.
- Conduct of elections under the Local Government Act 1995.
- Administration of, or practices associated with, the Electoral Act 1907 and any other law relating to electoral matters.

Recommendation 2

That prior to the next state general election the Western Australian Electoral Commission establishes community reference groups to develop action plans that guide the commission's electoral services to their respective communities. The following four reference groups should be established as a priority:

- Aboriginal reference group
- Culturally and linguistically diverse reference group
- Disability reference group
- Young people reference group

Recommendation 3

That prior to the next state general election the Western Australian Electoral Commission and disability reference group conducts research into, and implements, effective advertising methods to increase awareness of internet voting amongst people with disability.

Recommendation 4

That the Western Australian Electoral Commission reviews its processes for the recruitment of casual staff for state general elections, with a view to increasing diversity.

Recommendation 5

That the Western Australian Electoral Commission begins collecting, collating, and reporting demographic data relating to its casual employees. The ethnicity or cultural background, gender and age of casual staff, as well as languages spoken, should be recorded.

Recommendation 6

That the Western Australian Electoral Commission provides at least one early voting centre per electoral district for the next state general election.

Recommendation 7

That the Western Australian Electoral Commission attempts to reach an agreement with political parties to ensure consistency of campaigning across all early voting centres.

Recommendation 8

That the Western Australian Electoral Commission issues clear guidelines prior to the next state general election implementing a consistent process by which how-to-vote cards will be made available at early voting centres.

Recommendation 9

That the Western Australian Electoral Commission extends the opening hours of early voting centres to provide electors with opportunities to vote after business hours and on weekends.

Recommendation 10

That the Western Australian Electoral Commission reduces the period for early voting in person to two weeks.

Recommendation 11

That the Western Australian Electoral Commission reviews its planning processes for the distribution of ballot papers to early voting centres and polling places with a view to eliminating ballot paper shortages.

Recommendation 12

That the Western Australian Electoral Commission identifies opportunities for improving the external scrutiny of the iVote system, including the presence of external scrutineers during the setup of iVote systems.

Recommendation 13

That the Western Australian Electoral Commission releases data on the performance of the iVote system to facilitate external scrutiny, including vote data and the outcomes of the telephone verification service.

Recommendation 14

That the Western Australian Electoral Commission considers additional independent auditing of the security of the iVote system.

Recommendation 15

That the Western Australian Electoral Commission reviews the accuracy of their public communications regarding the security risks associated with the iVote system.

Recommendation 16

That the Western Australian Electoral Commission reviews and improves security procedures for the iVote decryption ceremony.

Recommendation 17

That the Western Australian Electoral Commission establishes an advisory body of independent experts to conduct a full review of the iVote internet and telephone voting system and to consider security, auditing, and scrutineering issues well before the next state election. This advisory body should:

- Contain members with expertise in internet voting, privacy, security, and cybercrime.
- Release a report prior to the next election detailing its consideration of the security, auditing, and scrutiny of iVote.

Recommendation 18

That internet voting eligibility is expanded only when the advisory body of independent experts is satisfied that all security, auditing, and scrutineering issues have been adequately addressed.

Recommendation 19

That the Western Australian Electoral Commission ensures the source code of any future internet voting system is publicly available.

Recommendation 20

That the Western Australian Electoral Commission provides political parties with training and detailed procedure documents to support their scrutiny of the iVote system.

Recommendation 21

That the Premier seeks to put the issue of a nationally consistent system of election funding and disclosure laws on the Council of Australian Governments' agenda.

Recommendation 22

That the Western Australian Electoral Commission develop, publish, and report against performance indicators that relate to enrolment processing quality and timelines, and the accuracy and completeness of the electoral roll.

Recommendation 23

That the Western Australian Electoral Commission conduct a comprehensive review of its processes for gaining feedback from political parties and responding to their concerns.

Recommendation 24

That the Western Australian Electoral Commission conduct rigorous evaluations of all future electoral programs to demonstrate outcomes before they are further implemented.

Recommendation 25

That following each electoral event the Western Australian Electoral Commission and, once established, the four community reference groups, review the provision of electoral services to their respective communities.

Recommendation 26

That the Western Australian Electoral Commission budget allocation for the next state general election is adjusted for inflation and is sufficient to support the good conduct of the election, the effective implementation of the recommendations made in this report, and any subsequent legislative changes.

Recommendation 27

That the Electoral Act 1907 is reviewed and amended as a matter of urgency. Particular consideration should be given to:

- The political finance regime, including the introduction of administrative penalties for breaches of the disclosure scheme; limits to expenditure by third-party campaigners; more timely disclosure; and a longer disclosure period.
- Political advertising laws, including the registration of electoral material with the Western Australian Electoral Commission; and disallowance of the distribution or display of non-registered materials on election day.
- The ability of political parties to distribute postal vote applications.
- Extending the deadline for receipt of postal votes to account for increasing delays in postal services.

The review should include input from all stakeholders in the electoral system. To maintain public confidence, it is critical that this review is conducted prior to next state general election.

Appendix Three

Western Australian Electoral Commissioner's response to 2017 WA state election recommendations



Mr P Katsambanis MLA
Chair
Community Development & Justice Standing Committee
Parliament House
4 Harvest Terrace
West Perth WA 6005

By email: lacdjsc@parliament.wa.gov.au

Dear Mr Katsambanis

Inquiry into the Administration and Management of the 2017 State General Election Report 2, 2018 – Request for Written Response

Thank you for the opportunity to respond to the Committee's report. My responses to recommendations 2-17, 19-20 and 22-25, being the recommendations relevant to the operations of the Western Australian Electoral Commission, are provided below.

I note at the outset the Committee's conclusion that the 2017 WA state election was conducted "professionally, efficiently and impartially" and that no issues were identified that call into question the electoral process or validity of the results. This reflects an electoral event which, overall, was competently conducted.

I also note the observation in the Executive Summary to the report that the Commission "must develop a culture of continuous improvement" and in the foreword that "subjected to insufficient resourcing and outdated legislation, the Western Australian Electoral Commission appears to have fallen back on a 'same old same old' approach". I wish to place on record my own view that the successful conduct of the election - including the provision of "more services ...to more people with less funding" as noted by the Committee itself - would simply not have been possible without a culture of continuous improvement.

The Commission has been assiduous over successive elections in constantly improving its performance. Indeed, it is highly regarded among its peers as a progressive and forward thinking electoral body and a leader in the development and adoption of innovative systems and technology including electronic roll mark off and roll scanning; drive in polling places and internet voting and for people with disability; our leading role in promoting the development of a national internet voting capacity; and the Commission's support for the introduction of direct enrolment; to name but a few. Such initiatives do not reflect an organisation without an eye to innovation and improvement.

My previously expressed views on the inadequacy of past resourcing and outdated legislation do not need to be repeated here. I acknowledge nevertheless that, like any other organisation, we can always do better and I welcome the feedback provided through submissions to the Committee.

RESPONSE TO SPECIFIC RECOMMENDATIONS

Recommendation 2

That prior to the next state general election the Western Australian Electoral Commission establishes community reference groups to develop action plans that guide the Commission's electoral services to their respective communities. The following four reference groups should be established as a priority:

- *Aboriginal reference group*
- *Culturally and linguistically diverse reference group*
- *Disability reference group*
- *Young people reference group*

Response:

The Commission will seek to expand upon existing strategies and channels of communication by engaging with relevant bodies in all four areas in the lead up to the next state election.

Recommendation 3

That prior to the next state general election the Western Australian Electoral Commission and disability reference group conducts research into, and implements, effective advertising methods to increase awareness of internet voting amongst people with disability.

Response:

Agreed, with the following additional observations.

In the lead up to the 2017 election the Commission took a deliberate and well considered decision to work through the established and reliable networks of peak disability bodies in order to communicate with their members. Indeed, the submission to the Committee from one of those organisations, Blind Citizens Australia, observes that all of their members who provided feedback on the iVote system indicated that they were well informed about its availability.

The 2288 people with disability who ultimately voted via the internet not only exceeded our expectations but also exceeded the number of people with disability (only 668) who used the iVote system the first time it was deployed in New South Wales. Where people with disability still voted at conventional polling places, many are likely to have done so not because of a lack of awareness of the internet option, but because they accompanied another elector who had to attend the polling place in any event.

Recommendation 4

That the Western Australian Electoral Commission reviews its processes for the recruitment of casual staff for state general elections, with a view to increasing diversity.

Response:

Agreed

Recommendation 5

That the Western Australian Electoral Commission begins collecting, collating, and reporting demographic data relating to its casual employees. The ethnicity or cultural background, gender and age of casual staff, as well as languages spoken, should be recorded.

Response:

The Commission already collects data about the age of casual staff, 20% being under the age of 30 years at the 2017 election. We will endeavour to collect more data about the ethnic or cultural backgrounds of casual staff, noting however that there are sensitivities to be considered in requesting information on ethnic or cultural background and gender in light of the reluctance of some applicants to disclose such information.

Recommendation 6

That the Western Australian Electoral Commission provides at least one early voting centre per electoral district for the next state general election.

Response:

Not supported

The Commission acknowledges that some early voting centres had accessibility issues and, with the benefit of hindsight, would have opened additional centres. Having a separate centre in each and every district would, however, lead to unnecessary duplication and a significant increase in costs, without a concomitant benefit to electors.

Comparing the availability and distribution of early voting centres with New South Wales can be misleading. Electoral districts in that state have on average more than twice as many electors as in Western Australia and it is much more difficult to travel around Sydney than Perth. Clearly there are parts of Perth where a centre strategically located on a major thoroughfare or within a popular shopping precinct can readily be accessed by electors in adjoining districts, obviating the need for an early voting centre in every single district.

A further consideration for the Commission, made abundantly clear in our evidence to the inquiry, is that we only need to hire centres for one three-week period every four years. Building owners are obviously keen to let their premises for a much longer period and we can therefore only hope to choose from premises that are 'on the market' in the period immediately before early voting commences. Many of the courthouses which the Commission was able to use at no cost as early voting centres at past elections are not geared to cope with the now greatly increased demand.

Members of the Committee will also be aware that while political parties often lease campaign headquarters some six months out before an election, they commonly use them for campaigning from then on. It would be fiscally irresponsible for the Commission to take out leases of such duration on premises we only intend to use for 3 weeks.

We will nevertheless strive to increase the number and improve the distribution of early voting centres within the limits of both our funding and the availability of suitable premises.

Recommendation 7

That the Western Australian Electoral Commission attempts to reach an agreement with political parties to ensure consistency of campaigning across all early voting centres.

Response:

Not supported

This could give rise to a perception that the Commission is involved in political campaigning activities and thus jeopardise its perceived neutrality. It should also be noted that elections are not contested solely by political parties. Independent candidates also feature prominently.

Recommendation 8

That the Western Australian Electoral Commission issues clear guidelines prior to the next state general election implementing a consistent process by which how-to-vote cards will be made available at early voting centres.

Response:

Agreed

Recommendation 9

That the Western Australian Electoral Commission extends the opening hours of early voting centres to provide electors with opportunities to vote after business hours and on weekends.

Response:

Agreed

The Commission successfully trialled more flexible opening hours at the recent Cottesloe and Darling Range by-elections and intends to build on this at the next State general election.

Recommendation 10

That the Western Australian Electoral Commission reduces the period for early voting in person to two weeks.

Response:

Not supported

The Commission acknowledges the challenges faced by political parties in organising volunteers to attend polling places throughout the election period but in the interests of maximising participation, feels that priority should be given to maximising voting opportunities for electors.

Recommendation 11

That the Western Australian Electoral Commission reviews its planning processes for the distribution of ballot papers to early voting centres and polling places with a view to eliminating ballot paper shortages.

Response:

Agreed

Recommendation 12

That the Western Australian Electoral Commission identifies opportunities for improving the external scrutiny of the iVote system, including the presence of external scrutineers during the setup of iVote systems.

Response:

Agreed

With a greater lead time the Commission would have involved external scrutineers and expert advisers to a much greater extent for the 2017 election, but unfortunately the enabling legislation was not enacted until 7 months out, leaving insufficient time.

Recommendation 13

That the Western Australian Electoral Commission releases data on the performance of the iVote system to facilitate external scrutiny, including vote data and the outcomes of the telephone verification service.

Response:

Agreed. It should not be assumed, however, that voting patterns among a particular demographic group will necessarily conform to the pattern of voting among electors overall.

Recommendation 14

That the Western Australian Electoral Commission considers additional independent auditing of the security of the iVote system.

Response:

Agreed

Recommendation 15

That the Western Australian Electoral Commission reviews the accuracy of their public communications regarding the security risks associated with the iVote system.

Response:

This particular recommendation stemmed from a single sentence on the Commission's website, which could have been better expressed.

In various public statements the Commission has consistently acknowledged that there are risks associated with internet applications but that, (as the Committee itself stated in its report) such security concerns must be weighed against other relevant factors (such as the right to vote in secret, the number of votes considered likely to be cast online, and risks inherent in paper-based systems).

Recommendation 16

That the Western Australian Electoral Commission reviews and improves security procedures for the iVote decryption ceremony.

Response:

Agreed

Recommendation 17

That the Western Australian Electoral Commission establishes an advisory body of independent experts to conduct a full review of the iVote internet and telephone voting system and to consider security, auditing, and scrutineering issues well before the next state election. This advisory body should:

- *Contain members with expertise in internet voting, privacy, security, and cybercrime.*
- *Release a report prior to the next election detailing its consideration of the security, auditing, and scrutiny of iVote.*

Response:

Agreed, noting that the Commission would have established such a body prior to the 2017 election had the passage of the enabling legislation and therefore time permitted.

Recommendation 19

That the Western Australian Electoral Commission ensures the source code of any future internet voting system is publicly available.

Response:

Not supported

Different experts have different views about making available the source code for internet-based systems. The Commission's view, on balance, is that releasing the source code publicly would give rise to an unwarranted security risk, but in future we hope to make access to the source code available on a limited basis to qualified academics who are prepared to sign and adhere to confidentiality and security protocols. I also note that release of the source code for the 2017 election was precluded by legal arrangements between the New South Wales Electoral Commission (whose system we used) and one of its contracting partners.

Recommendation 20

That the Western Australian Electoral Commission provides political parties with training and detailed procedure documents to support their scrutiny of the iVote system.

Response:

Agreed

Recommendation 22

That the Western Australian Electoral Commission develop, publish, and report against performance indicators that relate to enrolment processing quality and timelines, and the accuracy and completeness of the electoral roll.

Response:

Agreed

Recommendation 23

That the Western Australian Electoral Commission conduct a comprehensive review of its processes for gaining feedback from political parties and responding to their concerns.

Response:

Agreed

While a review will be conducted, the Commission wishes to emphasise that it already has an officer with specific responsibility for conducting post-election 'de-briefs' with political parties and that parties have expressed satisfaction with the performance of that role.

The review will take account of the needs and aspirations not only of political parties, but of all candidates whether endorsed by a political party or not.

Recommendation 24

That the Western Australian Electoral Commission conduct rigorous evaluations of all future electoral programs to demonstrate outcomes before they are further implemented.

Response:

Agreed

Recommendation 25

That following each electoral event the Western Australian Electoral Commission and, once established, the four community reference groups review the provision of electoral services to their respective communities.

Response:

The Commission will review the provision of services to different groups as part of the engagement activity referred to in the response to Recommendation 2.

Yours sincerely



David Kerslake
Electoral Commissioner

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