

**Division 6: Western Australian Electoral Commission, \$7 815 000 —**

Mr R.S. Love, Chair.

Mr W.J. Johnston, Minister for Electoral Affairs.

Mr D.A. Kerslake, Electoral Commissioner.

Mr P.J. Shimmings, Director, Business Services.

Mr D.H. Payne, Senior Manager, Election Events.

Mr L.P. Gargan, Manager, Legislation, Communications and Human Resources.

Mr N. Roberts, Chief of Staff, Minister for Electoral Affairs.

[Witnesses introduced.]

**The CHAIR:** This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by Friday, 1 June 2018. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

Before we get underway, I remind the advisers that the questions are directed to the minister; he will ask you if he wants you to participate, and I will then call you to give an answer. Member for Nedlands.

**Mr W.R. MARMION:** My question relates to page 84 of budget paper No 2. I note that there is a small increase in the budget estimate for 2018–19 for the total appropriations provided to deliver services. There is a second by-election coming up; can the minister advise what additional costs there are for the Electoral Commission as a result of both by-elections?

**Mr W.J. JOHNSTON:** Thank you. The final cost of the Cottesloe by-election is expected to be about \$220 000, and that includes a provision of \$32 000 for the reimbursement of political parties. The Darling Range by-election is expected to cost a little more than that because the electorate is more diverse. Those figures, of course, are not included in that budget estimate because the by-elections were not imminent at the time the budget estimates were prepared.

**Mr W.R. MARMION:** Will that mean it is likely that the budget estimate will go up because of the second by-election, which will be reported next year?

**Mr W.J. JOHNSTON:** The budget estimate will not go up because the budget estimate is set.

**Mr W.R. MARMION:** Well, the actual.

**Mr W.J. JOHNSTON:** Yes, I am happy for the commissioner to provide additional information on that question, if he would like.

**Mr D.A. Kerslake:** We would normally discuss that matter with Treasury and let it know in advance the likely costs, which at this stage we expect to be in the vicinity of \$250 000 to \$300 000 for the Darling Range by-election. We incur that expenditure out of our own allowance first and then seek reimbursement from Treasury at a later date.

**Mr W.R. MARMION:** For my own information, can the minister remind me what percentage of the vote is required to get reimbursed, and how much is reimbursed per vote in a state by-election?

**Mr W.J. JOHNSTON:** Certainly. I will let the commissioner answer that question in a moment, but I will just make the point that one of the good provisions in our funding laws is that the parties and candidates can be reimbursed only for expenses. I know that in other states and in the commonwealth they get paid regardless of how much is spent, so candidates and parties can actually make money out of an election. Our legislation specifically includes the provision that they can be reimbursed for only their actual receipted expenditure, and that is capped at the amount per vote et cetera. On that note, I will ask the commissioner to make further comment.

**Mr D.A. Kerslake:** They are required to receive four per cent of the first preference vote in order to qualify for funding. I do not have the exact amount at my fingertips; it goes to several decimal points. But if I can take that on notice, I will provide that, if that is all right with the minister.

**Mr W.J. JOHNSTON:** I do not know that we need to do it as supplementary information. I am happy just to let the member have the information. It is a formula; the original amount is in the act and it is indexed, I think, by the consumer price index. It is just a mathematical calculation. I am very happy to provide the information to the member, but I do not know that we need supplementary information on that, if that is all right.

**Mr W.R. MARMION:** That is fine. I did not know that, so I appreciate the minister explaining it to me. That is a good provision. There is a cap, so whatever the figure is, the calculation will provide the cap. Does the candidate have to provide receipts to show all expenses? I guess they would have to verify that it is a legitimate expense related to the campaign.

**Mr W.J. JOHNSTON:** Yes. Again, I will hand over to the commissioner, but I make the point that as a former state secretary of the Labor Party who had to provide this information, they do have to keep receipts and prove that they have made the payments. As to the procedure that is used to verify that, I will hand over to the commissioner.

**Mr D.A. Kerslake:** What the minister says is quite correct. It is a reimbursement scheme for the reimbursement of actual election expenditure, so we would firstly ask for the receipts to justify the expenditure, and then secondly satisfy ourselves that it was, if you like, bona fide election expenditure.

**Mr W.R. MARMION:** Has there ever been an instance in which someone has provided a receipt and the commission has determined that it was not bona fide?

**Mr W.J. JOHNSTON:** I will seek the commissioner's response.

**Mr D.A. Kerslake:** Yes, we have, but not ones in which, if I can put it this way, parties have been trying it on. There have been occasions on which items have been claimed as election expenditure and we have ruled that particular items were not election related. To give an example, if they are travelling in their car and they get a speeding fine while they are out campaigning, we would not regard that to be election expenditure; we would apply the same rule that is applied to public servants.

**Mr P.A. KATSAMBANIS:** I want to start off with page 84 of budget paper No 2. Under spending changes there is a line item "Revisions to Own Source Revenue Estimates". The amounts vary from year to year right throughout the forward estimates, but they vary from \$2 million to \$1.1 million, back to \$2 million, back to \$1.1 million, back to \$2 million. Through the minister, can we get an explanation as to what those revisions constitute and why there is such a pattern of variance between each year?

**Mr W.J. JOHNSTON:** Yes, I will seek an explanation from the commissioner.

**Mr D.A. Kerslake:** That relates to local government elections. If there is a local government election one year, it is covered in that year, and the next year there will not be a local government election; they happen every two years, so there is some adjustment accordingly.

[9.10 am]

**Mr W.J. JOHNSTON:** There are also other fee-for-service elections that the commissioner operates as well as that. Is that right?

**Mr D.A. Kerslake:** Yes, that is correct. We also have fee-for-service elections and they vary enormously. Any organisation can ask us to conduct their election. If they do, it is on a fee-for-service basis and that is very much a reactionary-type situation for us to be in.

**Mr P.A. KATSAMBANIS:** I understand the variation has to do with the fact that we have local government elections every two years, but why the revisions upwards? Are there more of these elections being conducted than were previously estimated or has the fee for service been increased for these functions? What is the reason for the revisions?

**Mr D.A. Kerslake:** The cost of elections go up in accordance with the consumer price index and we operate on a full cost-recovery basis, so that would account for some of that. In some circumstances, such as local government elections, there are increases in the size of the electoral roll and so on, and that impacts on the cost of elections.

**Mr W.R. MARMION:** My question is still on the total appropriations to deliver services. Has any research been done on undertaking electronic voting to cut costs? It is a big topic, but it is of great interest, because a lot of countries have electronic voting and there are grizzles from people who might be overseas who cannot vote. It is a wide topic and I would be interested in whether any research has been done.

**Mr W.J. JOHNSTON:** I will get the commissioner to make some comments, but the member should read last year's transcript of these hearings, because there was discussion about electronic voting. One of the things I pointed out is that there is an association of all the electoral commissioners in Australia and New Zealand who are doing a project on this topic, which I found very interesting. The commissioner will tell us the proper name of the organisation. I got a letter signed by all the commissioners telling us about what they are doing. I think there are some political discussions before we get to the technical issues about electronic elections. There are a lot of political questions. In 2002, I was very fortunate to be a guest of the United States' Department of State for the mid-term elections over there. If the member remembers, 2002 was the first election after the 2000 presidential election with the great controversy about hanging chad and all those things, so the US was strongly moving down the pathway of digital and electronic voting, and there were a lot of problems identified in that. I think there is a long way to go before people can be confident that the integrity of the electoral system can be properly protected. The most important part of that, in my view, is the capacity to scrutinise the vote, because at the moment every person has a piece of paper, so they can look at the piece of paper. I am sure we have all argued whether someone has written a "2" or a "7", but at least there is a piece of paper. At the moment with electronic voting, what is the party scrutineering? I just make the point that from that experience of going to the US, there is not electronic voting, but electronic vote counting, in Cook County near Los Angeles, the area around the big city there, and there had not been a party scrutineer there since 1960-something. There is a real question about the integrity of the ballot. We are very lucky in Australia that we have such a high level of security for our ballot, despite an occasional problem. Generally speaking, I think everybody respects both the Western Australian Electoral Commission and the Australian Electoral Commission. One of the reasons that we have that respect is that we have those scrutineers in place and we are making sure that errors do not creep in. If, over time, there is a move to electronic voting, there will probably also be a move away from strict scrutineering, and that may lead not to bad practice, but to things going wrong. As I say, the 2000 US election showed what happens when there is not close scrutineering. With those opening remarks, I invite the commissioner to make some comments.

**Mr D.A. Kerslake:** The organisation that the minister referred to is the Electoral Council of Australia and New Zealand. It comprises the Australian Electoral Commissioner, all state and territory commissioners in Australia, and the New Zealand Chief Electoral Officer. The approach the council is taking with internet voting is that it is not advocating for or against internet voting. It is accepting the reality that different commissioners may be asked to implement internet voting and that if that happens, in order to maximise security systems, it is better that we work together to try to develop the best technology that we can, so that every member is prepared, if asked, to conduct internet voting.

I add additional points about the experience where it has occurred so far in New South Wales and in Western Australia. When it was first introduced in New South Wales, I think the New South Wales Electoral Commission had approximately six months of lead time and in our case we had seven months. That is a very difficult position to be put in. A lot of recommendations that our parliamentary committee made about internet voting we would have implemented had we had more time, and that would have included training scrutineers and so on in how to use the system, but in the time available to us that was just not possible.

**Mr P.A. KATSAMBANIS:** Has WAEC done any internal assessment of the entire process of using iVote at the last election; and, if so, is it publicly available?

**Mr W.J. JOHNSTON:** I think the member's committee made reference to a follow-up analysis of iVote. I think the commissioner will be very pleased to make some comments.

**Mr D.A. Kerslake:** Firstly, as the member knows, audit reports were conducted. The second factor, which is a complicating factor, is that the iVote system that we used at the last election was based on the New South Wales model and is no longer in use. The New South Wales Electoral Commission is developing a whole new system and, as I said, the Electoral Council of Australia and New Zealand is moving down the path of developing a national system. There are principles we are well aware of and there are things we would do differently the next time around, but that feedback is going into a new system rather than going over the old one, if I can put it that way. We are moving forward to a new system and will put all the feedback we have into the development of that new system.

**Mr P.A. KATSAMBANIS:** Can I continue on this theme? There is a national working party, and that is good, particularly given that we have both state and federal elections. At some point I imagine some resourcing will be required for that national working party that each of the states might have to contribute to. One of the big issues that came out of using iVote and the stuff that came out in the committee inquiry was around the proprietary nature of the source codes of this type of software and the difficulty in getting behind it, especially for parties and scrutineers. Is there any discussion at the national level about ensuring that any new system is open-source software so that people have direct access to the source code and it is not locked up behind some proprietary veil?

**Mr W.J. JOHNSTON:** This is a very important part of all the questions around internet voting. I am not quite sure how many people voted through the iVote system at the state election and I am sure that the commissioner will let us know that. Again, in the literature on internet and electronic voting from around the world on the question of access to information through the source codes, it is discussed quite broadly, so it is a very important issue. It is one of the challenges for government dealing with the information technology space. The member's colleague is a former IT minister; I think he was a minister in the last government responsible for IT matters. One of the challenges is what level of integration the government wants, whether it wants to do everything bespoke or do things that are more open source and widely available. There certainly are a lot of challenges in that area and I look forward to the commissioner providing additional information about the working group that is being run.

[9.20 am]

**Mr D.A. Kerslake:** There are different views on whether this source should be made available and those differences probably spread across different electoral commissions. Personally, I am not in favour of making the source code openly available. What I am very much in favour of is making the source code available to well-qualified academics to enable them to vet the source code and look for any weaknesses and report that back to the commission rather than putting it out there open slather. I believe those offers have been made to some academics in the past and some academics passed up on that. In the national project, we would be looking at involving academics in the development of the project. I certainly support making the source code available to those academics on a confidential basis to report back to us.

**Mr P.A. KATSAMBANIS:** I have no problem with making it available to academics. I think their input would be valuable, particularly those who are IT experts. However, one of the biggest stakeholders in electoral systems, voting systems, are the political parties. Will they be engaged? If so, will they be engaged at a state-by-state level or through their national offices?

**Mr W.J. JOHNSTON:** I am happy for the commissioner to comment, but I will just say that this is a project not of the state government. This is one of those odd things in which the commissioners, who are all independent and who jealously and properly guard their independence, are working on a project in the capacity of that council, not in respect of the activities on behalf of the government of Western Australia. I would be interested to know what the commissioner says, but I want to make the point that it is not like the government of WA is sitting here trying to decide these issues. The commissioners, as independent officers, are going away and doing a piece of work that at some time governments here in Western Australia, nationally and in other states, will have to respond to. I do not want anything the commissioner says to be taken as saying that the government of Western Australia is either making a decision, made a decision or even started to contemplate the need to make a decision. I make that point straight up-front.

**Mr D.A. Kerslake:** It is a project that is very much in its infancy at this stage. The view I have put is that the more people we can engage in that process, the better. Public confidence is obviously very important. As I said earlier, my preference would be to engage them on a confidential basis rather than putting it out there to the whole world and then every hacker around the country will do their best to hack into the system. I am certainly in favour of engaging as many people as I can. I have put that view to the Electoral Council of Australia and New Zealand. It is a project very much in its infancy and working parties are working through those issues as we speak.

**Mr W.J. JOHNSTON:** The government of Western Australia would take the view that we would need to engage with political parties as being the key stakeholders. This is not the work of the government; it is the work of ECANZ. We are not asking political parties for input because it is not our work.

**Mr W.R. MARMION:** I do not have much expertise in this area. All I know is that other countries have it. In terms of selling it to the community, the system we have at the moment, which everyone knows, is that people are ticked off the register, they submit their vote and no-one knows how they voted because it is hidden. With a computer-generated program, the whole thing can be followed. Depending on how it is programmed and what the software is, it could be known who people voted for. Research could be done on individuals over time. Someone writing the software could access that. How do we stop that so information cannot be found out? How do we sell that? The other point is that someone has to be in charge of the IT hardware. Even as members of Parliament, someone in IT can go into our area and read our emails if they want to. Security around that is something that I am interested in. We are not the experts, but we need to make sure that we have the IT expertise to advise us on anything we do.

**Mr W.J. JOHNSTON:** The member raises very important issues. The Electoral Commissioner, a moment ago, said that he did not want to have everybody out there trying to hack into the system, but the reality is that we know that is going to happen almost instantaneously. We only have to look at what happened in the United States in the 2016 presidential election to see the desire of parties to influence democracies for ill. This is one of the real questions that would have to be looked at if we were to go further down the pathway of voting over the internet: what are the opportunities for very sophisticated organisations? Perhaps the evidence in the US is that potentially

nation states were seeking to participate in changing the result of the US presidential election. I do not know whether a general election here in Western Australia would attract the same level of interest as the selection of the President of the United States of America, but clearly once anything is connected to the internet, we have to automatically assume that there will be a malicious attack. Sadly, that is the experience we now all have. Even the laptops of members of Parliament have been subject to malicious intent. Phishing is also an issue—that is, foreign people trying to get bank account details. If we were to make a decision to move down this path, those are the issues we would want to have proper advice on. I am pleased to hear what the commissioner has to say about this important topic.

**Mr D.A. Kerslake:** Firstly, I acknowledge that with any internet voting system there are always risks. The approach that we have taken, as I said earlier, is that if we are asked to run those systems, we need to be prepared. If there is a public demand for those systems and Parliament in its wisdom decides to give in to that public demand, we need to be prepared. The other point that I would make is that the risks are obviously very much minimised depending on the number of people eligible to use the system. In our case, we had 2 288 people, if my memory serves me correctly, who used the system who were people with disability. That is a smaller target for a hacker than 1.6 million people in the entire state election.

**Mr P.A. KATSAMBANIS:** Page 84 of budget paper No 2 under “Significant Issues Impacting the Agency” refers to how the commission supports the Office of the Electoral Distribution Commissioners. The next review of the boundaries will be in 2018–19 and 2019–20, with a total cost of \$2.4 million. The funding will be spent on infrastructure to facilitate the public consultation process and the resulting review of electoral boundaries ahead of the next general election. Where is that \$2.4 million accounted for within the appropriations? Is it new money, is it separate money, or is it just an allocation from the Western Australian Electoral Commission of funds that have been appropriated for its disposal?

[9.30 am]

**Mr W.J. JOHNSTON:** If the member looks at the amount authorised by other statutes on page 84, he will see the line item “Electoral Act 1907”. As I understand, the \$800 000 and \$1.6 million adds up to \$2.4 million, so that is the allocation. It is not well understood—although I am sure the member understands this—that the redistribution is not done by the Electoral Commission; it is done by the electoral distribution commission, which is technically a separate legal entity. Of course, it needs to be serviced and it is serviced by the Electoral Commission’s staff, but technically the Electoral Distribution Commissioners are separate from the Electoral Commission.

**Mr W.R. MARMION:** I refer to the outcomes and key effectiveness indicators on page 85. It is a very interesting area to look at and I think these are really good indicators because they show the percentage of eligible Western Australians on the electoral roll and percentages of people who vote in state and local government elections. The estimated actual percentage of people voting in state general elections is 66.6 per cent. What does the minister or the Electoral Commission think is a reasonable voting outcome in a general election versus that in a by-election? Can the minister follow up that answer with the percentage rollout in the Cottesloe by-election?

**Mr W.J. JOHNSTON:** It is my view that everybody who is eligible should vote in a general election. It is striking to look at the figures provided in public reports of the percentage of electors who vote and, sadly, it is the Kimberley electorate that has the lowest participation rate. I have not looked at the figures for the 2017 election but I have done it previously. I think the member for Hillarys and I had a bit of a discussion last year about making sure that we look at the question of availability of voting and I have previously had this discussion with the commissioner. It is nothing new to him that I am fixed on trying to improve voting accessibility in remote locations. There are no National Party members here, save the Chair—I mean none of the committee members—and I am not trying to criticise the wheatbelt, but small communities there get a full day of voting although there are Indigenous communities of the same size that get only a mobile polling facility.

**Mr P.A. KATSAMBANIS:** And it is weather dependent.

**Mr W.J. JOHNSTON:** Indeed, it is weather dependent. I wonder whether we can improve access to voting opportunities for people in the Kimberley. I think that would be good. I also understand that city electorates have a higher percentage of voters in general than non-metropolitan electorates. I will ask the commissioner to make some remarks, but I am told that the 66.6 per cent for 2017–18 that the member referred to is the figure for the Cottesloe by-election. When I was general secretary of the Labor Party, there were two by-elections—one in Victoria Park and one in Peel. I think the turnout was about two-thirds in Vic Park because it was not controversial. When we had the Peel by-election, I concentrated on getting electors out. Members of the Labor Party doorknocked every house on the day to get people to vote because we were determined to increase the number. There is no question that by-elections have a lower participation rate than the general election. I will ask the commissioner to make some comments, if he would like to add to that.

**Mr D.A. Kerslake:** I will simply make the point that a range of variables can affect participation and that participation is generally lower for by-elections. Which parties happen to be contesting an election can also impact in one sense on the level of informality of people who turn up to vote because if the party they want to vote for is not represented, they may vote informally. On the other hand, they may just not turn up. A range of variables affect by-elections. Clearly, they do not have the same impact in an elector's mind as a general election simply because the government is not up for grabs, if I could put it as crudely as that, in a by-election—or, not usually.

**Mr W.J. JOHNSTON:** To conclude my remarks, the other thing is that in a general election, there is all the advertising from the parties on TV. That volume of information means people are much more likely to be contacted in a general election so people are going to be much more aware of them, even if the advertising does not relate to their district. The total volume of information in advertising and media reporting of a general election will mean people are much more conscious of the need to vote than in a by-election.

**Mr W.R. MARMION:** It is interesting that the 66.6 per cent rate relates to the Cottesloe by-election. The figure seems to be reasonably high, but I would be happy to get a comment on how it fits with what would be expected for a by-election. Can the minister advise how many fines were issued for people who did not vote in the Cottesloe by-election? Does the minister have that figure to hand?

**Mr W.J. JOHNSTON:** I will ask the commissioner to make a comment.

**Mr D.A. Kerslake:** No, I cannot give the member a figure because that process is ongoing. People are still being contacted and are still coming in to give excuses. Other people may not have received correspondence to date and they may still come forward with an excuse. I will look at what figures we have available but I do not have them at my fingertips. I will add the caveat that the process is ongoing.

**Mr W.R. MARMION:** A large number of people still did not vote—one-third. Can the minister give me a rough idea, of that one-third, how many would have had legitimate excuses and what might the excuses be that will mean they do not have to pay the fine? From that, can the minister estimate a total quantum they might get from the fines?

**Mr W.J. JOHNSTON:** I am very happy for the commissioner to provide any information he is able to but I remind the member that the money does not go to the commission; it goes to general revenue.

**Mr D.A. Kerslake:** If I can take that on notice, with the minister's approval I will look up that information and see what information I am in a position to provide. It is a question of whether people have a reasonable excuse. In many cases, that may still be under consideration as part of the non-voter process.

**Mr W.J. JOHNSTON:** Does the member want that as supplementary information?

**Mr W.R. MARMION:** Yes, thanks.

**Mr W.J. JOHNSTON:** The supplementary information will be the best information available to the commission for the expectation of how many people are likely to be fined arising from the Cottesloe by-election.

[*Supplementary Information No B21.*]

**Mr W.R. MARMION:** I am sure the Treasurer will be very pleased with that information—more than me!—if he has not already asked for it.

Does the Electoral Commission know whether anyone voted more than once and are there any figures on that?

[9.40 am]

**Mr W.J. JOHNSTON:** In respect of the Cottesloe by-election?

**Mr W.R. MARMION:** Yes.

**Mr W.J. JOHNSTON:** I am very interested to hear the commissioner report, but every inquiry into multiple voting in Australia has shown that there is an extraordinarily low amount. All the research everywhere in Australia shows it almost never happens. I am very interested to hear the commissioner's comments.

**Mr D.A. Kerslake:** Again, I need to take it on notice if the member wants the exact numbers, but concerns about multiple voting have not been raised with me. A typical scenario of dual voting is perhaps an elderly person in a nursing home who votes when the mobile team comes around, and then their relatives bring them along on Saturday and they vote again. Clearly, that is not deliberate or a rorting of the system. That would be the most typical scenario. There is no evidence of any major rorting of the system.

**Mr W.R. MARMION:** I am happy with that answer.

**Mr P.A. KATSAMBANIS:** I agree that the vast majority of multiple voting happens inadvertently, usually by people who are either confused or struggling with other issues. But in the past across Australia there have been examples of more systematic multiple voting. One of the solutions proffered from time to time is an electronic roll

of some sort; it does not have to be online. So, if the person who has voted at their nursing home at a mobile booth arrives at a polling station on the Saturday, they are told they have already voted and it is all good. Has there been any advice down that path of creating a linked up electronic roll to avoid the doubling up?

**Mr W.J. JOHNSTON:** Thanks for the question. An electronic roll was introduced in Western Australia some time ago; I think the 2008 election was when it was first used. Then it was used at only very large booths, but I understand its use is increasing. I had a word with the commissioner while the member was asking the question, and he confirmed that it is not universally used. I am sure he can provide some additional information.

**Mr D.A. Kerslake:** It is widely used, but there are issues of remoteness in regional areas and so on where it is just not possible to provide the backup for those systems, or indeed to set them up in the first instance, or it simply may not be viable because of the small number of votes taken. It is widely used, but that type of system will always be limited in its ability to prevent multiple voting, depending upon the stage people vote and the other ways they might choose to vote and so on.

**Mr P.A. KATSAMBANIS:** The commissioner said it is widely used—I think it is used for absentee voting and such—but the average interaction of the average voter when they arrive at a polling booth, either at a general election or the Cottesloe by-election, is that they are confronted by electoral office clerks sitting at desks with a big book, a ruler and a pencil. I would like a better description of “widely used”, because the experience of the vast majority of people who attend to vote on the day within their electorate is not access to an electronic roll.

**Mr W.J. JOHNSTON:** I will comment, and the commissioner is dying to make a comment. All the research in Australia shows that there is no systemic multiple voting problem.

**Mr P.A. KATSAMBANIS:** Nunawading proved otherwise.

**Mr W.J. JOHNSTON:** Nowhere in Australia has it ever been shown that there is a problem of systemic multiple voting. It is important that we worry about things that are significant, and not chase rabbits down holes that do not change the security of the ballot. If we had a problem with extensive attempts to systematically rot our Australian elections, then obviously we would want to act immediately. That is not the circumstance in Australia. We are very lucky that we do not have that problem. Notwithstanding that, the commission has been working to increase the use of the digital roll, and I invite the commissioner to make further comment.

**Mr D.A. Kerslake:** Member, I think it would have been more accurate if I had said that it is used as widely as we possibly can, and that depends upon the availability of equipment. One of the great things that has happened in recent years is that electoral commissions have worked very collaboratively. Laptops and tablets and so on move all around the country; for a particular election, we beg and borrow from interstate, and they beg and borrow from us to maximise the amount of equipment we collectively have available for a particular election. So we use it as widely we can.

The second point is that it will never provide universal protection. It would have to be entirely networked to enable that. It is a simple matter for a person to vote at one polling place and whizz down the road to the next one before anybody knows they have voted, if they wanted to do it. The minister said—it is certainly the experience of all electoral commissions—that very few people have ever been found guilty of that. It is not an issue of substance for electoral commissions.

**Mr W.R. MARMION:** I can see problems with it. People can rock up to vote and find they have already voted. A person could have been ruled out in the book by accident—another Marmion for instance. I think my wife voted twice at one election, but she had not.

**Mr P.A. KATSAMBANIS:** They will have to lock her up for that!

**Mr W.R. MARMION:** No, I think someone must have ruled the next line or something —

**Mr W.J. JOHNSTON:** Shall I refer that to the Corruption and Crime Commission?

**Mr W.R. MARMION:** Absolutely. It may not have been her —

**Mr W.J. JOHNSTON:** Anyway, go ahead. Sorry. I did not mean to interrupt the member.

**Mr W.R. MARMION:** The minister interrupted my train of thought.

But if someone rocks up and finds someone has voted on their behalf or it is an accident, there needs to be a process in place so that person can at least manually fill something in so that the Electoral Commission can validate that person’s vote and negate the other. They could take a photo to prove it really is Bill Marmion and say, “We don’t know how the other person voted, but Bill Marmion is claiming this is the only time he voted and this is the vote he wants.” How do they know what the other person voted, because it goes in a box and it is not linked to the person? Perhaps we can have a comment on that.

**Mr W.J. JOHNSTON:** Certainly. Of course, the final outcome of the ballot is subject to review by the courts, so if somebody felt that the conduct of a ballot was not appropriate they have recourse to the courts. I invite the commissioner to comment on the integrity processes of the commission.

**Mr D.A. Kerslake:** The point the member raised is in fact the most common instance of apparent dual voting—whereby a person above or below is marked off in error. In busy polling stations with 7 000 people who get half an hour's training at seven o'clock in the morning on polling day, there will inevitably be some errors. They are easily accounted for in the scenario that the member mentioned, in which a person is adamant they did not vote twice, or somebody else gets a letter saying they did not vote at all and they are adamant that they did.

**Mr W.R. MARMION:** Both Marmions!

**Mr D.A. Kerslake:** The error is noted, but a declaration vote can be signed, and that is then looked into by the returning officer to very much minimise the likelihood that people are denied their right to vote.

[9.50 am]

**Mr P.A. KATSAMBANIS:** I have a new question. I refer to total appropriations to deliver services on page 84 of budget paper No 2, volume 1. Every four years the appropriation goes up quite significantly—by many multiples—and that is a result of the need for the WAEC to conduct the general election every four years. That is a good thing. I note that in the 2016–17 year, \$31 148 000 was made available for that purpose. That is good. Subsequently, the Community Development and Justice Standing Committee that the minister referred to earlier, which I chair, released a report that basically said that that resourcing was probably a bit light, and had the commission been better resourced, it may have been able to work even better and get better outcomes. However, I notice that the appropriation in this budget for 2020–21 has been reduced even further from the appropriation for 2016–17. Is the commission going to be asked to do an even better job with less funds than it had four years earlier?

**Mr W.J. JOHNSTON:** That is a good question. One of the three recommendations of the committee report that the government was able to respond to was the one about the budget. I do not have the government's response in front of me, but I know that it went along the lines of, "We think it is important to adequately fund the election, but unfortunately we were left with \$40 billion of debt. We cannot spend money that we do not have." However, the member should note, too, that at the bottom of that same table, under expenses, is the total cost of service. The actual total cost of service was \$30.822 million and the expected total cost of service is \$31.79 million, so the expected expenditure is going up and not down, whilst the budget allocation is going down. At the bottom, the cash assets at the end of the last election cycle go from \$2.25 million to \$727 000. The member will see that we are expecting the commission to do cash management. Of course this is the budget allocation. It reflects the fact that like all agencies of government, we have had to implement in the budget the total efficiency savings—one per cent, two per cent, three per cent and four per cent—that was built into the former government's last budget. This is the outcome of the cost savings built in as a generic saving figure by the last government on the budget.

As we get closer to the election, I am sure the commissioner will talk to me about what amount of money he thinks will be adequate. Like every other agency, there will be a discussion through the Expenditure Review Committee about the allocation, but it is very important to understand that this is actually the outcome of the budget cuts left to us by the former government. They were written into the budget and have to be allocated out to agencies. Whether I like it or not—as a member of the ERC, I can tell the member that it has to make tough decisions—this is another example of a tough decision of a government that is determined to get the state back on track.

**Mr P.A. KATSAMBANIS:** That sounded a bit like a former Premier I know who used to say that it is "just forward estimates". I hope that is the case and that in the fullness of time the commission, the ERC and minister have that discussion.

Without delving into the minutiae of the committee report, has the WAEC made any changes or does it intend to make any changes based on the findings and recommendations of that report? I ask that question not to the government or the minister, but through the minister to the WAEC.

**Mr W.J. JOHNSTON:** I am not sure that this is the appropriate place to have that discussion. As the member knows, I have written to him in his capacity as chair of that committee.

**Mr P.A. KATSAMBANIS:** I think we will engage in correspondence around that.

**Mr W.J. JOHNSTON:** I am sure we will. I have not seen the member's correspondence. The government does not want to presume to tell the committee what to do, but I make the observation, as I did in my letter and in the tabled report, that the member could invite the commissioner along to a hearing and ask him any question that the member wanted.

**Mr P.A. KATSAMBANIS:** We know what we can do.

**Mr W.J. JOHNSTON:** The point is it is not for government—this is an examination —

**The CHAIR:** Members and minister, this is actually estimates, not a discussion on the Community Development and Justice Standing Committee's processes. Could we come back to the appropriations that we have in front of us, please.

**Mr W.J. JOHNSTON:** Mr Chair, that is very good advice. The point I am making is that this is time for the government to be examined, not the commissioner. The commissioner is here as an adviser to me. I am the one giving evidence. It is not fair on the commissioner. The exact point we are trying to make is that the commissioner is independent. He cannot answer through me today because this is me giving evidence; he is here advising me. If the member wants to ask him a question, invite him to the Community Development and Justice Standing Committee and get him to answer it. I do not want the commissioner to be seen in any way to be answering to me on his work as an independent commissioner. That is why I do not think it is appropriate and I will not allow him to give an answer.

**Mr P.A. KATSAMBANIS:** I will rephrase the question: has the commissioner in his capacity as commissioner made a request of government for additional funding to implement changes into the future based on the learnings from the previous state general election?

**Mr W.J. JOHNSTON:** The commissioner and I have had discussions about the adequacy of the budget. None of those discussions arise from the report of the member's committee.

**Mr P.A. KATSAMBANIS:** The question I just asked did not refer to the report. Okay?

**The CHAIR:** Any further questions?

**Mr P.A. KATSAMBANIS:** I am good.

**Mr C.J. TALLENTIRE:** I am interested in the election management key efficiency indicator on page 86 of the budget papers. I am interested in the figures relative to the provision of facilities for early voting. I recall at the 2017 election that the facilities for party booth workers for early voting in Cannington and Kelmscott were fairly inadequate. There was no provision of toilets and the commission staff were fairly disinterested in the needs of booth workers. I am wondering, given such a high a percentage of the population is now voting early, whether more consideration will be given to provide good facilities for people working on booths in early voting?

**Mr W.J. JOHNSTON:** I will certainly ask the commissioner to make some comment, but I will make a general remark first—that is, the commission does a good job on the management of early voting. I say that as both the minister and as a participant in the process. As members know, the number of people voting early is going up every election. One challenge for the commission is that it needs to be opportunistic in getting vacant premises for early voting. It is not as though it can plan to use a wonderful facility, because obviously no landowner is going to let the commission have a facility for three weeks or three months, or whatever, in 2021 and put it aside now because it would want another long-term tenant. The commission has to be opportunistic in respect of the spots it takes. As the member knows, I am the member for Cannington, so I spent a lot of time at the Cannington booth. It was not ideal, but it was a lot better than the federal commission's choice for pre-voting for the 2016 Swan election, when it had a facility on the second floor of a building with virtually no parking and no capacity for people at all to hand out how-to-vote cards. The member raises a very important issue and I am looking forward to the commissioner making a comment, but I highlight the fact that it is quite complicated for the commissioner because of the natural opportunistic nature of his need to rent premises.

**Mr D.A. Kerslake:** In the 2017 election at which early voting was available by choice for the very first time, it was very difficult to predict how big an increase we were going to get and where the increase was going to occur. We certainly catered for a substantial increase. It turned out to be bigger than we anticipated, and in hindsight we would have had more early voting centres available. We acknowledge that. We have already starting planning for the 2021 election by looking at where we may need additional early voting centres, but as the minister said, it is almost impossible to lock them in until a matter of weeks before polling day. We are certainly not going to get them the Christmas before the election because if someone has a place out there that they want to rent and we want it for only three weeks, why would they not hold onto it until the very last minute knowing that if they do not rent it, we will come along and probably want it anyway? That is the difficulty that we have. The other difficulty we have is that in the past, we have used a lot of court centres, but they become less and less viable when the number of electors voting early increases substantially and they are not able to cater for that. We then have to go out and pay for centres. It would be irresponsible to go out and hire a centre for six or eight months when we will use it for only three weeks. We are in the difficult situation of having to work at the last minute. We had a dedicated officer doing just that but it is very difficult out there in the marketplace.

[10.00 am]

**Mr C.J. TALLENTIRE:** Does the minister see that the commission has a duty of care towards booth workers?

**Mr W.J. JOHNSTON:** That is an interesting question. No, I do not think it does. I think it has a general duty of care for safety but I do not think it goes beyond that.

**Mr R.S. LOVE:** I wanted to ask a question about service 1 relating to the efficient provision of electoral services on page 85 of the *Budget Statements*. It is the only service provision area, so it is a fairly general question in the context of an earlier discussion about the provision of polling booths to remote areas and a comment that the minister made regarding the wheatbelt. I represent areas of the wheatbelt and the midwest that have many booths with small numbers of voters, which I am sure is a drain on the commission. Given the change in Australia Post's delivery method of postal services to my electorate, I would like a comment on how the commission sees the change in the timeliness of postal services to areas in country Western Australia and what effect that has on its ability to provide a good alternative service if a booth is removed from an area.

**Mr W.J. JOHNSTON:** I thank the member for the question. I want to emphasise that I did not say that we have any intention to remove any particular polling booth out of the wheatbelt. I remarked that given that the commission rightly goes to an effort to ensure that every citizen gets an opportunity to vote, and for the wheatbelt that means an opportunity over 10 hours —

**Mr R.S. LOVE:** It was not a pejorative comment.

**Mr W.J. JOHNSTON:** Yes. What I am saying is different. I am saying that I am looking forward to continuing my dialogue with the commissioner to see how we can increase the opportunity for the same level of voting in Aboriginal remote communities. The question the member poses is interesting but it does not relate to what I was talking about. I want to emphasise that. There is no question that Australia Post has reduced its work across the community, but services have been reduced in not only regional parts of Australia, but every part of the community. It no longer makes a daily delivery anywhere in Australia. We do not need to look at the wheatbelt to see where Australia Post has removed its daily delivery service.

**Mr R.S. LOVE:** I want to clarify that Australia Post no longer sorts mail in regional areas. Certainly in my electorate, all post is sent to Perth and it comes back. As the minister could imagine, sometimes that adds a considerable length of time to the delivery of mail in the area. Apart from the physical number of times that a postman may deliver to a postbox, it is more about the structure of the mail service beneath the surface and the vastly increased time that it takes for mail to be delivered to and from certain towns in my electorate.

**The CHAIR:** Was that a point of clarification rather than a question, member?

**Mr R.S. LOVE:** It was a point of clarification because the minister was clearly indicating that the postal service has been withdrawn. That change is more attenuated in regional areas than in metropolitan areas.

**The CHAIR:** Do you have any comments, minister?

**Mr W.J. JOHNSTON:** The problems with Australia Post and the length of time it takes to deliver mail is bad in the metropolitan area as well. The member's constituents should understand that many of the problems that they have with Australia Post are identical for metropolitan residents, and the length of time it takes to get a letter delivered is the same in the metropolitan area, even though it does not have to go backwards and forwards. It still takes the same amount of time to be delivered from the postbox to where it is going. It takes the same amount of time to be delivered in the metro area because Australia Post has reduced its service levels everywhere; it is not unique to country regions. I want to assure the member that there is no ambition to reduce the opportunity for election day voting in the wheatbelt. We hope that the opportunity people have to vote at the 2021 election will be exactly the same as it was in the 2017 election.

**Mr R.S. LOVE:** Is the Electoral Commission planning to change any of the time lines involved in the delivery of postal services to reflect the increased time it takes for mail to be delivered to and from certain parts of the state?

**Mr W.J. JOHNSTON:** I just confirmed this with the commissioner because I did not want to give a wrong answer but the first thing that popped into my mind was confirmed by the commissioner as being correct; that is, all the time lines for postal voting are set by legislation. The commission does not have the capacity to change any of those time lines. I am happy to talk to the member separately, or the Nationals WA, to discuss whether there is any way of amending legislation to accommodate the issue that the member raised, but it is not possible for the commissioner to change any of the time lines because they are all set in legislation.

**Mr R.S. LOVE:** I am probably more highlighting the fact that it is an issue that needs to be addressed.

**The appropriation was recommended.**