

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr Tony O'Gorman

Division 35: Western Australian Electoral Commission, \$6 448 000 -

Mr Andrews, Chairman.

Mr McGinty, Minister for Electoral Affairs.

Dr K.W. Evans, Electoral Commissioner.

Ms F. Colbeck, Deputy Electoral Commissioner.

Mr G. Harrington, Manager, Corporate Services.

Mr D. Cloghan, Chief of Staff, Office of the Attorney General.

Ms M. Garnett, Principal Policy Officer, Office of the Attorney General.

Ms QUIRK: I refer to dot point 2 on page 581, which reads -

There is a continuing need to ensure a greater awareness among electors of the electoral system in order that they exercise their entitlement to vote in an effective manner.

How well is that function being performed, and in particular, how well does the minister think the issues surrounding one vote, one value are understood and will be addressed in this education program?

Mr McGINTY: I would like to think that there is a significant awareness among the general public of the electoral system in Western Australia, and how it works. I am always a little disappointed at the extent of informal voting. More needs to be done in the area of making the electoral system simpler in order to avoid a number of problems that arise from informal voting. There is a high level of awareness in the community of the one vote, one value provisions of the electoral reform legislation that was passed through Parliament last year. Polling that I have seen indicates that there is not only a high level of awareness, but also a high level of acceptance and support for the notion that every citizen should be treated equally in voting for their Government. Most thinking citizens would be appalled at the notion that their vote is debased, depending on where they live. It is like giving the rich two votes and the poor half a vote. This division in the current electoral system just happens to be based on where people live. While the matter is before the Supreme Court, the opposition parties have attempted to defeat it on the ground of technicality, but overriding it all is the great and lofty principle of electoral equality which Western Australia, alone in the nation, does not currently admit.

Mr BARRON-SULLIVAN: I refer to output 2, the management of the electoral roll. The Australian National Audit Office released a report on 18 April into the integrity of the electoral roll, and recommended that the Australian Electoral Commission should develop a strategic plan for continuous roll update. It has been stated that continuous roll update has developed in an ad hoc manner across the States, because of differing levels of cooperation. Could the minister or the commissioner comment on the state of play in Western Australia on the notion of continuous roll update? Is the minister satisfied with the level of data sources available from state authorities? Does the minister see a need for tightening up the criteria for electoral enrolment and change of enrolment details.

Mr McGINTY: I will make a quick comment on the last of the points raised by the member for Mitchell, then ask the electoral commissioner to comment on the others. I do not see a need to tighten up the conditions of enrolment. If a particular problem is identified, I am happy for it to be addressed. The Commonwealth proposed last year to introduce a number of very restrictive requirements, which would have particularly disadvantaged Aboriginal voters. On that occasion, I voiced my objection to doing that. The reasons for doing it were fairly transparent - it was an attempt to disfranchise Aboriginal voters. I made that point publicly as well. In a democracy such as ours, the important underpinning principles are equality - so that everyone gets the same say in electing the Government - and ease of access. I would not like to see, particularly for itinerant or illiterate people, barriers put in the way of getting on the electoral roll. It must be made as simple as possible, while doing everything possible to avoid fraudulent dealings, which are not acceptable in our electoral system. I am sure Dr Evans can add a great deal to that.

[3.10 pm]

Dr EVANS: The report by the Australian National Audit Office mentioned by the member for Mitchell found a 96 per cent accuracy of identity. The survey was mainly checking identity, rather than whether the address matched the address on the roll. The Western Australian Electoral Commission has done samples itself, in some electoral districts. On any particular day, the match of people, where the whole household is correctly enrolled, is probably about 85 per cent. In other households, some of the residents are on the roll and some are not. There is a continuous movement of people. About 20 per cent of people on the roll change their address every year, and the commission must keep up with them. The old method of roll update was to do a doorknock every two

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr Tony O'Gorman

years, and try to take a snapshot at that time. However, the very next day people would be moving out of their residence to another place. With continuous roll update, we get information from the Department of Land Administration when properties have been bought and sold. That is a very good source of information. We have just concluded an agreement with the Department of Transport to get motor vehicle licence information, which will be a very good source. It is presently available in Queensland and Victoria.

The Australian Electoral Commission has access to commonwealth sources such as Centrelink. It also gets information from Australia Post. Some of the other States use other groups of agencies. In the past few years it has been a matter of testing the various databases to see which is the best set. We do not want too many databases that cause an overlap of information because it is quite costly to test information against the electoral roll.

Although I would like to obtain it, I have not been able to get a copy of the list of people who have a rental bond lodged with the Department of Consumer and Employment Protection. Acts governing bonds state that the information must remain secret. It would be a useful source of information.

I do not believe it is necessary to tighten up enrolment procedures. The procedures in place are quite adequate. I was quite concerned about the commonwealth proposals requiring identity and witnesses coming from certain classes of people. That would affect the groups of people that are difficult to get on and keep on the roll; namely, young people, Aboriginal people and country people. Country people would be disadvantaged if they had to find a particular class of witness to witness a change or a new enrolment.

The electoral commissioners around Australia talk to each other on a regular basis. There is no evidence of any electoral fraud in this country in commonwealth or state elections. The Shepherdson inquiry in Queensland found small evidence of fraud relating to union elections. The report specifically stated that there was no evidence of fraud in connection with commonwealth or state elections. I do not believe there is any need to tighten up procedures.

Mr HOUSE: Page 585 of the *Budget Statements* refers to support that will be provided for the State's electoral boundary redistribution. Is there any indication from the court of the date on which it will hand down a decision on the appeal currently before it?

Mr MCGINTY: No, there is not. It was always my rough estimation that there are two pressures working on the court. One is the realisation that there needs to be a redistribution, which would make the court more inclined to bring down a decision sooner rather than later. Secondly, the magnitude of the case is such that the court would want to write a reasoned and thoughtful judgment. That is the reason five judges were put on the Bench. Although there has been no indication from the court, I hope we will get a decision in July. I cannot be more specific than that.

Mr HOUSE: Should the court find in favour of the legislation and uphold it, how long will it be before the Electoral Commission will be able to produce the first draft of suggested boundaries for people to examine?

Mr MCGINTY: Under the Act, the redistribution commissioner will be required to commence a redistribution as soon as is practicable one year and one day after the last election.

Mr HOUSE: That was the old legislation.

Mr MCGINTY: Under the Act, the date would have been 11 February 2002. It has not been practicable because of the legal uncertainties. In my view, the day after the court hands down its decision - one way or the other - the new redistribution should start.

Mr HOUSE: How long will it take before we have a first draft?

Mr MCGINTY: Assuming that is the beginning of the process, Dr Evans will explain the time frames.

Mr HOUSE: I know what is involved; how long will it take?

Dr EVANS: The whole process will take six months. The timetable is spelt out in the legislation. The first draft of the boundaries will be released three months after the starting date. The starting date is when the commissioners publish a notice in a newspaper that circulates in the State. The notice will call for submissions. After the notice is published, one month is given for interested people to make submissions. The submissions will be made public for a two-week period. Anyone can comment on any submission. After that, a further six weeks is allowed before the first set of proposals is released.

Mr HOUSE: If the court rejects the legislation, does the Government have any intention of introducing new legislation as a consequence?

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr Tony O'Gorman

Mr McGINTY: I have given the issue some thought. We do not know which way the court will rule. It is my intention to not give up the fight.

Mr HOUSE: That does not surprise us!

Mr McGINTY: Exactly what form the fight will take is something I have not sorted out in my mind. Even if I had, I would not tell the member!

Mr HOUSE: May I ask one more question?

The CHAIRMAN: Certainly. This is the most interesting line of questioning I have heard all day!

Mr HOUSE: There will obviously be a time frame involved. I expect it will affect any decision the minister makes. I am not surprised that the minister will not give up the fight. The decision may not be handed down until July and Parliament will resume in early August. To then get legislation through and to comply with the time frame outlined by the commissioner will take us very close to the next election. It seems almost impossibly close.

Mr McGINTY: Timing is a very important consideration. If there is to be a fundamental change to the electoral boundaries, it needs to be done earlier rather than later. That is why we have inserted a provision in the Bills to require the first redistribution to take place earlier than the subsequent redistributions would because of the significant change that would be affected by it. We are in the hands of their honours at this stage and we have to wait to see what they do. Whether it is feasible to have other legislation through the Parliament in sufficient time for the next election is a factor that we would need to weigh up in the event that the court were to decide against the legislation. We have not thought through the "what if" scenario.

Ms QUIRK: I draw the attention of the minister to the first output relating to community electoral education at page 583 of the *Budget Statements*. I looked at the Electoral Commission web site earlier this year and discovered that, like the Prime Minister's web site, it did not have the most accurate information on who was governing the State. Are there additional resources in this budget to upgrade the web site?

Mr McGINTY: There was a time lag, rather than a time warp! It was unfortunate that the web site had Hon Richard Court as the Premier of the State some 12 months after he had left office. Once that was drawn to the Electoral Commission's attention it was immediately rectified. There is now a proper description of the way democracy works in Western Australia on the web site.

Mr OMODEI: The member for Stirling asked about a major initiative for 2002-03 that provides support for the state electoral boundary redistribution. Given that legislation currently before the courts has not been gazetted, I presume that we are still technically acting under the previous legislation?

Mr McGINTY: Yes.

Mr OMODEI: The requirement to begin the process of boundary redistribution should already be in place. How much work has been done on boundary redistribution under current legislation? Has any work been done on the proposed legislation?

[3.20 pm]

Mr McGINTY: That question is most appropriately answered by the Electoral Commissioner.

Dr EVANS: The distribution commissioners met in February and decided it was not practicable to start a distribution, given that Parliament had passed two Acts that had not been signed into law. They decided that we would meet again once the Supreme Court had handed down its decision. In the meantime, because quite a bit of preparation work is necessary, I have had a team of people working to produce the material that we need to do a distribution under either method. We have a computer system in place that has been developed by, I think, Land and Property Information New South Wales, and that has been used to do distributions already in four of the other States. I have spoken with the various political parties and the Independent members of Parliament about the sort of information the commission can provide and the help that it can give them to make submissions using our equipment. We are loading data and getting the proper street addresses and things of that sort from the Department of Land Administration. One of the things we do not have at this stage is the base number of electors. If we are to work under the new law, we will take that number of electors on the day the law is proclaimed. However, if we are to work under the old law, we will take the number that we took from a roll close on 11 February. Assuming it is the new law, we have to wait until it is proclaimed. We will do a roll close on that day, and dividing that figure by 57 will give us the quota. We will give the information to anybody who is interested. I know that the parties are very interested in getting the elector data by census collector district, so that they can make their own submissions in the same language that we are using. That is what we have been doing.

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr Tony O'Gorman

Mr OMODEI: Will I have a winnable seat under either scenario?

My question relates to local government. Under output 2, the management of electoral roll, do I understand correctly that the state residential roll is directly overlaid for local government purposes? In other words, is the local government roll a replica of the state government roll and are those local government rolls up to date?

Dr EVANS: The roll for a local government is composed of two parts - the electors, which information comes from the state roll, and the owner occupiers, which information is held at the local government authority.

Mr OMODEI: Is it the latest state roll?

Dr EVANS: The state electoral roll is continually updated. At any hour of the day in my office we are making changes. Twenty per cent of the information changes each year. When a particular roll close occurs, because each local government election has a roll close date, on that date we do a mini roll close. We then produce the electoral roll relevant for that local district. We get hold of the owner occupiers' roll, which the chief executive officer has had to close off on the same date. We put them together, eliminate the duplicates and we have a roll for that local government election.

Mr O'GORMAN: On page 585 a major achievement for 2001-02 refers to the Internet enrolment checking facility. Is that facility widely used across the State? How late does that stay open up to the election day?

Mr MCGINTY: I will defer to the commissioner.

Dr EVANS: Western Australia is the only State to have this; the Commonwealth does not have it either. This came online in January this year. It is facility for electors to check their information. If electors put in their name, address and date of birth and that matches what we have in our records, their upper and lower House regions and electoral district and local government information is shown on the screen. If they are in a local government ward, the record will say Cambridge in the north ward, or whatever it is. People cannot do a search online. It is specifically so that people who know someone's name and date of birth cannot find their address. We are getting between 1 000 and 1 500 hits a month on the site, so it is being used. It is a pretty effective facility for people to check their own information. I will certainly be publicising it more as we come up to any election, because a fair percentage of the community has access to the Internet and it is a self-checking device.

Mr O'GORMAN: Are there any plans to implement online enrolments?

Dr EVANS: Not as yet. One element of enrolments is the necessity to have a signature. There is no simple way as yet, unless someone has a special computer screen, that people can provide a signature from a normal computer. The enrolment form is on the web site and a person can download the form, fill it in and fax it back to us. However, they cannot enrol online.

Mr BARRON-SULLIVAN: A major initiative listed on page 587 is to review procedures for the Legislative Council count. Will the minister elaborate on the procedures that might need to be changed or improved?

Mr MCGINTY: There was some controversy surrounding the election of Hon Robin Chapple versus Greg Smith for the final position in the Legislative Council for the Mining and Pastoral Region. As is prudent in cases in which there is controversy, the matter is being looked at. Dr Evans might be able to provide some insight into the matters being considered.

Dr EVANS: There are two broad approaches to counting in an upper House system that elects multi-members using proportional representation. One is the system used in Tasmania and the Australian Capital Territory, which distributes the last parcel. The other is the system that Western Australia and the Commonwealth use, whereby all the votes are distributed but at a reduced value. In the election to which the minister referred, if we had done the count by the last-parcel method there would have been a different result. However, we have applied the method that the Act stipulates in schedule 1, and the result came out as it did. Because quite a deal of interest in this was expressed in the upper House, I had some research undertaken and a paper produced and I gave a copy to the President of the upper House and to the minister. I now have a political scientist preparing a more extensive paper, which I will publish when it is ready in a couple of months, explaining the various ways in which one could count in that circumstance and whether there is any advantage one way over the other.

Ms QUIRK: A significant issue and trend listed on page 581 states that the commissioner is committed to the improvement of the effectiveness and efficiency of electoral procedures through the use of appropriate information technology and other innovative procedures. Does that mean adopting the pregnant chad or some more technologically advanced system? What is being seriously examined?

[3.30 pm]

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr Tony O'Gorman

Dr EVANS: It means a few things. For example, in the last state election we tried a system whereby the electoral roll was on a computer system in about 50 polling places in the metropolitan area. That meant that absentee voters could very easily cast an absent vote. On that occasion about 20 000 absent votes were counted in the metropolitan area. Since then, Victoria and South Australia have adopted that approach. We will expand that system at the next state election.

We are also working on communicating with our returning officers via the Internet. That is a big project that involves examining our computer system, which is quite old. There are more modern approaches around; for example, dot NET technology. If that system were in place, we could communicate with the returning officers. That would mean that they could put the results directly into the system from their own place rather than use the telephone to communicate the results to us, as they did last time. That system has other advantages for local government that I will not explain unless the member wishes to know.

The electoral roll must be continually updated and information from enormous data sources must be matched. The Department of Transport has an enormous number of records that we will match against the electoral roll. That can work two ways because we have information that can go back to transport and vice versa. Another State that matched its data sources with its transport department found that the motor vehicle registrations of a few people who had been deceased for some time were still being registered because the people who registered them were getting concessional rates. The Internet enrolment check we have has already been mentioned. We are undertaking a number of tasks to try to bring us into the twenty-second century.

Ms QUIRK: What other agencies have access to the electoral roll in electronic form?

Dr EVANS: The Office of State Revenue has access to the roll. However, I do not think it has direct access to it. We provide the Office of State Revenue with an update of the roll every quarter. Anyone can have the whole roll if they want to buy it because it is public, but they would get only the public information. A lot of people want us to provide them with people's birth dates. We provide that information for medical research purposes. We have an established procedure with the Department of Health whereby the researcher who uses the information only to draw age-related samples guarantees not to release it. No-one has a direct link to the electoral roll, but a lot of people use it.

Mr OMODEI: I refer to the major initiatives for 2002-03 on page 588 of the *Budget Statements* and the conduct of biennial postal elections for local government authorities. I note that the average cost per elector of conducting local government elections will increase from \$1.92 to \$2.22. Is that increase because of inflation? What has been local governments' response to postal elections? Have many more local governments have come to the party for postal elections?

Dr EVANS: I am not sure about the cost; that is probably an estimate. We understand that the cost of postage will increase between now and when the next election is held, and there may also be a goods and services tax component in it. However, generally costs have increased because salaries, paper supplies and printing costs have increased. We would expect the cost to increase by small amounts every two years.

Mr OMODEI: How does the cost of postal elections compare with the cost of attendance elections conducted by local governments? Is it competitive?

Dr EVANS: The other day a local government provided the Electoral Commission with a copy of its minutes that referred to this matter. That local government is not a customer with us at present. If all the costs were counted, including staff time and other direct output costs, the cost difference was very slight. Many local governments count only the direct output costs of the ranger and paying extra staff, but they do not count the cost of the staff in the four or five weeks of preparation before the election. When that is done, the cost is not very different.

Mr OMODEI: How many local governments have come on board with the Electoral Commission?

Dr EVANS: In May 2001, 50 local governments came on board. In the past month or so, I wrote to them all to remind them that the elections will be held next year and it is time for them to think about their election methods. Four new councils have come on board. I expect that the number of local governments that we deal with might increase from 50 to 70. The small local governments will continue to operate attendance ballots. The participation rate between attendance ballots and postal ballots is chalk and cheese. After the elections we conducted last May, a local government ran a by-election by an attendance ballot. Our participation rate was nearly 40 per cent and its participation rate was only three per cent.

Mr O'GORMAN: I refer to major achievements for 2000-01 on page 588 of the *Budget Statements* and the expanded customer base. What other organisations can the Electoral Commission market to?

Ms Margaret Quirk; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr House; Chairman; Mr Paul Omodei; Mr
Tony O'Gorman

Dr EVANS: We are conducting elections for a number of organisations by way of enterprise agreements. We conducted an attendance ballot for the general meeting of the Derbarl Yerrigan Health Service. It required some assistance and I agreed to do that. Other agencies are asking for our assistance. For some time, the commission was unable to conduct elections unless there was a provision in written law; however, the Act was amended a couple of years ago and now we can conduct elections for any body by agreement between the two bodies. We have not really promoted that too much because we are busy with local government elections. However, as I said, we are expanding slowly in that area and we will continue to expand the range of customers.

Mr O'GORMAN: Is that on a cost-recovery basis?

Dr EVANS: Yes, it is on a cost-recovery basis.

The appropriation was recommended.

[3.40 pm]