

**A REVIEW
INTO THE
WESTERN AUSTRALIAN
ELECTORAL COMMISSION'S
CONDUCT OF THE
2008 STATE GENERAL ELECTION**

by

Bob Longland and Ken Evans

December 2008

Table of Contents

EXECUTIVE SUMMARY	1
RECOMMENDATIONS	1
1. BACKGROUND.....	6
2. ROLES AND FUNCTIONS OF THE WESTERN AUSTRALIAN ELECTORAL COMMISSION. 7	7
2.1 Legislative requirements	7
2.2 Work performed between elections	7
2.3 Election planning.....	7
3. ORGANISATIONAL ARRANGEMENTS	8
4. PARLIAMENTARY TERMS	9
5. ELECTORAL EDUCATION AND AWARENESS.....	10
5.1 On-going activities	10
5.2 Election specific activities	10
6. ELECTORAL ENROLMENT	12
7. BOUNDARY DISTRIBUTION.....	13
8. INFORMATION TECHNOLOGY AND COMMUNICATIONS SYSTEMS.....	14
9. ELECTION BUDGET.....	14
10. ELECTION LOGISTICS	14
11. THE 2008 ELECTION TIMETABLE	15
12. CALL CENTRE SERVICES	15
13. NOMINATIONS AND CANDIDATE/POLITICAL PARTY SUPPORT	16
14. TEMPORARY ELECTION MANAGERS	16
14.1 Returning Officers	16
14.2 Polling Officials	18
14.3 Returning Officer Liaison Officers	19
15. VOTING SERVICES	20
15.1 Early voting in person	21
15.2 Early voting by post.....	22
15.3 Mobile polling	23
15.4 Drive-in voting	24
15.5 Absent voting	24
15.6 Provisional voting.....	25
15.7 Ordinary voting.....	25
16. SECURITY OF BALLOT MATERIAL.....	25
17. RESULTS ON POLLING NIGHT.....	26
18. THE TALLY ROOM	26

19. COUNTING THE VOTES	27
19.1 Sunday after polling day	27
19.2 Centralised declaration vote counting	28
19.3 Notional preference counting for Legislative Assembly votes	28
19.4 Legislative Council counting	29
19.5 Distribution of preferences	29
20. APPARENT MULTIPLE AND NON-VOTING	29
21. SUPPORT FOR THE MEDIA	29
22. ELECTRONIC VOTING	30
23. LEGISLATION STATUS	30
24. FINDINGS	30
25. ACKNOWLEDGEMENTS	31
 ATTACHMENT A - TERMS OF REFERENCE.....	 32
ATTACHMENT B - REPORT AUTHORS	33
ATTACHMENT C - DOCUMENTATION, REPORTS AND OTHER MATERIAL EXAMINED	34
ATTACHMENT D - INTERVIEWS CONDUCTED	35

EXECUTIVE SUMMARY

Writs for the 38th Western Australian General Election were issued on 7 August 2008 nominating Saturday 6 September as polling day. This date was some five months earlier than the expected time of February 2009.

The Western Australian Electoral Commission's planning for the election was well advanced when the election was announced but not complete. In particular the training of Returning Officers had not been finished and 30% of them were first time appointees. A truncated program of training had to be arranged quickly to ensure all Returning Officers could undertake their duties. Other election projects which were not complete, several involving an Information Technology component, also had to be finalized. This caused a slower start to the election operations phase than desirable.

Public awareness of election rights and responsibilities is an on-going education role but is undertaken principally at the time an election is announced. For this election, a combination of traditional advertising using print and electronic media, a Call Centre and a non-addressed generic letterbox drop were the mediums utilised by the Commission. While a request for funding had been made to support a direct mail campaign, the funding was not forthcoming. Given that the public's attention is drawn to political party campaign advertising and media concentration on election issues, there is little value in the Commission attempting to compete in the mass media market. A direct mail voter card campaign is considered to be a far more effective way in which to utilise public awareness funding for any election.

The reporting of votes through the Commission's system was slow and by 10.00 pm on Election night some 40% of polling place results were still not available to the public. Widespread use of the Commission's electronic vote recording and transmitting system would have minimized that percentage. The closeness of the results in eleven Districts meant a clear outcome of the election was not obvious at the end of counting on polling day. This focused attention of the parties, the media and the public on the declaration vote processing which continued over the following week and on the final distribution of preferences for Legislative Assembly Districts on the weekend following Election Day.

There were some 40,000 more declaration votes to count in 2008 than had been the case in 2005. This may have been anticipated given the 2007 boundary distribution based on the new one-vote one-value legislation which was the most significant re-arrangement of electoral Districts for many years, and the increasing trend for electors to vote early. However, the Commission did not take sufficient advantage of legislation which provides for "easy absent" voting to minimize the number of declaration votes and thus reduce the inevitable delay that checking these votes causes after the election. Widespread use of the easy absent system would also have ensured that a significant number of electors would have been able to exercise their franchise accurately and without delay.

All other Australian electoral jurisdictions produce a two candidate preferred count on polling night and update those figures as the count proceeds in the days following. This information is very helpful in close contests particularly as vote tallies increase through post polling day counting. Western Australia has traditionally produced two candidate preferred results on election night but not thereafter. The need to continue this count in the days following polling day so that candidates, the media and the public have the most accurate information possible at all times was admirably demonstrated in the 2008 election.

Generally the closeness of the result rather than the early announcement of the election highlighted the matters that have drawn some public criticism of the Western Australian Electoral Commission's performance in conducting the 2008 election. Had an outcome been evident on the night of 6 September this Review may not have been requested. However, it must be noted that the Electoral Commission's thorough and accurate count, in which the public can have every confidence, produced the result for the 2008 election one day faster than in the 2005 election and a government has been sworn in.

There are 52 recommendations made in this report. The majority can be implemented by the Electoral Commissioner while some will need the support of the Government because they involve amendment to legislation. If all are implemented it is expected that the organisational and operational problems highlighted in this report are unlikely to be factors in future elections in Western Australia.

RECOMMENDATIONS

Recommendation 1: Election planning must be an on-going activity, commencing with the review processes arising from the conclusion of the 2008 election.

Recommendation 2: All identified election planning projects should be concluded by 30 June in the year prior to the conclusion of the four-year Legislative Council term or four months ahead of the fixed date for an election if this date is legislated by government.

Recommendation 3: Election Project progress meetings should be chaired by the Commissioner or, in his absence, the Deputy Commissioner.

Recommendation 4: An organisational review should be undertaken to develop models which examine the linkages between on-going and election roles and to give more emphasis to the impact of day-to-day work on delivery of election services. Consideration should be given to restructuring the Commission to produce fewer branches and sections with the majority of staff members focussed on election services.

Recommendation 5: The Commission should prepare a detailed case for government for the long term lease, purchase or construction of an integrated headquarters of sufficient size to house the permanent staff, warehouse, information technology centre and election processing centre.

Recommendation 6: The Commissioner should approach the government with a view to drafting legislation to define a fixed election date for concurrent Legislative Assembly and Legislative Council elections.

Recommendation 7: The Commission should review the current requirements for statutory advertising and prepare recommendations for government on changes that reflect current media usage trends.

Recommendation 8: The Commission should utilise funding allocated for distribution and election advertising and awareness campaigns for minimal statutory advertising. The majority of the funds should be used for the production, distribution and promotion of a personally-addressed voter card letter to all electors on the roll as at the close of roll at each election.

Recommendation 9: The Commission should prepare a case for legislative change that introduces common federal/State enrolment qualifications in WA.

Recommendation 10: The Commission should undertake a study in conjunction with the AEC into the costs and operational implications of using the federal roll system (RMANS) and abandoning the WAEC ERMS system.

Recommendation 11: Advertising of the final boundaries after each distribution should be restricted to minimal statutory needs only with funds previously assigned for this purpose directed to an election voter card mailout.

Recommendation 12: IT Section officers should be included in the election project teams so that IT system needs are co-ordinated with operational requirements and enhancements or new system developments are complete within the agreed project milestones.

Recommendation 13: The Commissioner should approach the government with a proposal for a modified election timetable under fixed date elections that reduces the time available for a roll close and nominations to three days and increases the minimum period between close of nominations and polling day so as to enhance the ability of electors to exercise their franchise, particularly those in remote areas or voting by post.

Recommendation 14: Planning for the provision of response to elector enquiries for election events should incorporate an element for handling both telephone and email requests.

Recommendation 15: Candidate nominations and the draw for ballot paper positions for the Legislative Council should be centralised into the WAEC Head Office.

Recommendation 16: The *Electoral Act 1907* should be amended to give the Electoral Commissioner final authority in all matters relating to the conduct of the election.

Recommendation 17: The Commission should undertake a study of cost-effective methods to aid in the retention of Returning Officers.

Recommendation 18: The job description and qualifications for Returning Officers should be revised to include the need for computer literacy for all appointees and that they will be required to work full time for specific periods of the election timetable.

Recommendation 19: Training plans for Returning Officers should include face-to-face, online and one-on-one methods including with Liaison Officers as necessary and their training should be continual.

Recommendation 20: Manuals and training materials for polling officials should be reviewed to simplify the details by use of checklists as the primary information source.

Recommendation 21: Training routines for Polling Place Managers should include face-to-face and online and be monitored by Liaison Officers.

Recommendation 22: The WAEC should consider the need for a DVD-based training aid and if required, prepare a new version for future events.

Recommendation 23: The Polling Place Return (Form PP44 and addendums) should be reviewed to simplify the process of reconciliation of ballot papers.

Recommendation 24: The Commission should review the role of the Returning Officer Liaison Officer with a view to establishing their positions in a part time capacity well prior to the election period.

Recommendation 25: The WAEC should work to eliminate the need for Certificates of Attendance through the much wider use of the easy absent system.

Recommendation 26: The WAEC should initiate a formal process with the AEC to compare and where possible harmonize polling locations and methods so as to reduce elector confusion.

Recommendation 27: The WAEC should actively promote general early voting to electors in areas where static polling place or mobile polling services are unlikely to be established.

Recommendation 28: The easy absent system should be used at all early voting in person locations in WA.

Recommendation 29: The Electoral Commissioner and the Director-General of the Department of Justice should meet as soon as possible to resolve the arrangements for issuing of early votes from WA Courthouses.

Recommendation 30: The WAEC should undertake a study into the New Zealand overseas voter issuing process to determine costs and suitability for the WA requirements.

Recommendation 31: All postal vote applications whether produced by the WAEC or by other individuals or organisations should include on the form the qualifications for eligibility for a postal vote.

Recommendation 32: Where an area or locality is deemed to have no polling place or mobile polling service, the electoral roll should be annotated so that electors enrolling for such places are automatically offered general early voting registration.

Recommendation 33: The register of general early voters should be supplied to political parties or candidates requesting access as at the issue of the writ.

Recommendation 34: The cut off day for application for a postal vote should be put back one day from the Thursday before polling day to the Wednesday (at 6 pm) before polling day.

Recommendation 35: The *Electoral Act 1907* should be changed to remove the requirement for a postmark to be a determining factor in the admissibility of a postal vote and to insert the requirement that a witness attest to the fact that they saw the vote cast before 6 pm on polling day.

Recommendation 36: When advising mobile polling institutions of the arrangements for polling, the WAEC should ensure that specific details and requirements are notified so that voters may cast their votes without being hampered in any way.

Recommendation 37: The easy absent system should be used by all mobile polling teams.

Recommendation 38: The easy absent system should be used at all drive-in voting locations in WA.

Recommendation 39: At all polling places in WA, the easy absent system should be used so that the electors name is marked off an electronic copy of the roll and a declaration (for later checking) is not required. Should resource constraints preclude 100% coverage with the necessary equipment, the rollout could be scaled back to polling places estimated to issue say more than 50 or perhaps, more than 100 absent votes.

Recommendation 40: The Electoral Commissioner and the Director-General of the Department of

Education should meet as soon as possible to resolve the arrangements for the use of school premises and facilities as polling places.

Recommendation 41: Training and documentation needs to emphasise the importance of security of ballot material and should be amended to incorporate the requirement for Polling Place Managers to have another official witness the packaging of material.

Recommendation 42: The transfer of material from Polling Place Managers to Returning Officers then to the Counting Centre and eventual storage should be reviewed to ensure security is maintained.

Recommendation 43: All Returning Officers should be required to use the EMSWA computer system for transmission of results with telephone or facsimile used only as a backup in event of system failure.

Recommendation 44: Audit/reasonableness editing should be built into the EMSWA results software to reduce the need for human intervention and subsequent delays before publishing results.

Recommendation 45: The WAEC should discontinue the provision of a traditional Tally Room and utilise the allocated resources for the development of a high quality, interactive website incorporating results for the current and previous elections.

Recommendation 46: The Electoral Commissioner should announce the discontinuation of the Tally Room as soon as possible and engage in a dialogue with the media to develop a model for results dissemination in the future.

Recommendation 47: On receipt of material after the close of the polls, Returning Officers should check all parcels and promptly forward only declaration votes, easy absent votes, Legislative Council ballot papers and electoral rolls to the Counting Centre. Legislative Assembly ballot papers, unused ballot papers and other polling equipment should be retained by the RO until called for by the Head Office.

Recommendation 48: A fresh scrutiny of Legislative Assembly votes (first preferences and two candidate preferred count – with corrected candidates if required) should be conducted by Returning Officers and finished no later than the Monday after polling day.

Recommendation 49: Two Candidate Preferred counts should be conducted in all polling places, confirmed or modified as necessary at a fresh scrutiny and be continued and reported on the WAEC website for all declaration vote counts.

Recommendation 50: Before Legislative Assembly ballot papers are lodged with the Clerk of the Parliament, a two party preferred count should be undertaken for information on Districts where the final two candidates were not ALP or Liberal/National.

Recommendation 51: The 2008 election ballot papers for all relevant Districts should be retrieved and the two party preferred count completed and posted on the Commission's website.

Recommendation 52: Progressive results of declaration votes for the Legislative Council should be updated on the WAEC website on a daily basis while counting continues.

1. BACKGROUND

The 38th Western Australian General Election was announced by Premier Alan Carpenter on 7 August 2008. Writs for the election were issued that day by the Governor nominating 6 September 2008 as polling day. The announcement of the election came as a surprise to most commentators and observers as it was some five months earlier than the expected time of February 2009, a month when most elections in Western Australia (WA) have been held. It is noteworthy that for the 20 general elections held since the Second World War, only one has been held this early.

Election periods allowable under legislation range from 31 days from writs to polling day through to 90 days. The minimum period was prescribed in the 2008 writs and this has been the norm in most Australian jurisdictions.

Planning for the conduct of the election by the Western Australian Electoral Commission (WAEC) was well advanced at the time of the announcement although there were significant shortfalls in the training of Returning Officers, 30% of whom were first time appointees. The Returning Officers have a vital role in the delivery of timely, accurate election services and are primarily responsible for the recruitment and training of some 6,000 polling officials. Two Returning Officers had to be appointed at the time of the issue of the writ and an abridged training program was necessary for all the inexperienced Returning Officers part way through the election period. This added to the major management task for the senior staff of the Commission as they moved into the election phase.

There has built up in the community an expectation that at the close of a poll on a Saturday night votes will be counted, a winner will be announced and the election will be over. In many cases, that expectation is met, at least superficially, when the margins of seats won or lost are sufficiently clear for a party or coalition to claim victory. But in these cases, the election is always far from over. The hundreds of thousands of votes cast early by electors in person or by post and those cast as absent votes on polling day, must be dealt with scrupulously and added to the counts so that elections in all Districts and Regions can be finalised. In WA, postal votes can be received up until 9 am on the Thursday following polling day. This defines the earliest time by which all formal votes can be entered to the counts prior to a distribution of preferences necessary to declare the winner of each of the separate elections that combine to make a general election. Of note is that all of this post-polling day counting and distribution of preferences was completed in 8 days, concluding on the evening of Sunday 14 September 2008.

This election was characterised by the large number of very close Legislative Assembly Districts – 11 out of 59 – and the implementation of a new set of boundaries arising from the “One Vote, One Value” legislation passed in the previous term of government. The close seats meant that an indication of which major party might form government was not clear at the close of counting on 6 September. Inevitably, this gave rise to intense interest from political parties, candidates, the media and electors. New boundaries added a layer of complexity to election planning and public information campaigns. Together these factors resulted in a level of scrutiny on the work of the WAEC that lead to criticisms, both informed and otherwise, that warranted an independent review of the election.

This review was commissioned by the Electoral Commissioner who appointed a Review Team consisting of Mr Bob Longland, former Electoral Commissioner for Queensland and Dr Ken Evans, former Electoral Commissioner for Western Australia.

2. ROLES AND FUNCTIONS OF THE WESTERN AUSTRALIAN ELECTORAL COMMISSION

2.1 Legislative requirements

The WAEC was established on 30 October 1987 replacing previous arrangements whereby election management was the responsibility of a State Department as part of the Justice portfolio. The Commission is responsible for the delivery of services prescribed in the *Electoral Act 1907*, *Franchise Act 1916* and *Referendums Act 1983* as well as elections and election related investigations prescribed in the *Local Government Act 1995*. Under current machinery of government arrangements, the Commission, while operating as an independent statutory authority, is a portfolio agency of the Minister of Electoral Affairs.

2.2 Work performed between elections

Despite the common misunderstanding regarding standing electoral commissions, the WAEC delivers the majority of its services between general elections. These services include:

- conduct of biennial local government elections by postal vote;
- conduct of fee-for-service elections for industrial organisations, student guilds and land ballots amounting to some 40 elections per year;
- by elections as necessary;
- referendums as directed by Parliament;
- maintenance of the electoral roll for state and local elections in conjunction with the Australian Electoral Commission (AEC);
- boundary distribution for Legislative Assembly Districts and Legislative Council Regions;
- provision of electoral education and awareness services to schools and the community, principally through the Electoral Education Centre;
- research into electoral matters and recommendations for legislative or policy change;
- participation in the work of the Electoral Council of Australia;
- corporate management of the Commission; and
- general election planning including logistics arrangements, staff recruitment and training and systems development.

2.3 Election planning

Under current legislation the window of opportunity for a concurrent Legislative Assembly and Legislative Council election is mid-June in the year before the expiration of the Council term until the following April. With this in mind, planning for the conduct of the election should culminate with all preparation tasks other than those relying on specific election timetable dates being complete by the mid-June date. While all on-going tasks of the Commission deliver expected services to the citizens of Western Australia, the overarching activity of general election planning must be continuous as there is no fixed date for the Legislative Assembly elections.

In order to draw the relevant resources together for election planning, the 2008 election was broken down into a series of projects with defined timeframes and deliverables. Project management training was provided to 25 permanent staff. Some 70 projects were defined for the 2008 election and were substantially complete as at the issue of the writs on 7 August 2008.

Project Managers, Project Leaders and Project Assistants were appointed from the available staff of the Commission and a Project Co-ordinator position established for the purpose of monitoring and reporting on progress. Progress meetings chaired by the relevant Project Manager were conducted on an agreed schedule and exception management was used to deal with problems in meeting timeframes or providing resources. The Deputy Commissioner attended all these meetings and the Electoral Commissioner attended as many as possible. Given the hierarchical standing structure of the Commission, the intra-agency division of resources for the projects did cause tensions and delays in many projects, particularly those requiring computer systems support. Some staff were concerned that their project was an extra job, detracting from their ability to complete regular tasks and the general approach taken was to look back to methodology used in past elections rather than to use the process as an opportunity for personal, system and procedural development. There is no criticism levelled in this observation. The situation was not unexpected as the staff, some 40% of whom were experiencing their first general election, were more comfortable working in their appointed sections rather than across functions. However, this means that a very effective co-ordination system must be in place to ensure projects are completed on time and in order as often the completion of one is required as input to another or several others.

Immediately following the completion of the significant election tasks, the Commission executive established an Election Review Committee to examine key projects and prepare reports and recommendations on solutions to identified problems. The 18 resulting reports have been examined by the Review Team and the detailed recommendations are not inconsistent with the findings of the Team.

Recommendation 1: Election planning must be an on-going activity, commencing with the review processes arising from the conclusion of the 2008 election.

Recommendation 2: All identified election planning projects should be concluded by 30 June in the year prior to the conclusion of the four-year Legislative Council term or four months ahead of the fixed date for an election if this date is legislated by government.

Recommendation 3: Election Project progress meetings should be chaired by the Commissioner or, in his absence, the Deputy Commissioner.

3. ORGANISATIONAL ARRANGEMENTS

Some 48 full and part-time staff make up the complement of the WAEC. In 1996, there were 35 officers with the increase attributable to changes to approach in the area of communications management, more non-Parliamentary and local government elections, new funding and disclosure legislation and the consequential increase in computer support requirements. Reporting to the Commissioner is a Deputy responsible for planning, enrolment and election operations as well as teams responsible for information technology, communications and business services. Staffing is supplemented by casual officers for electoral education, specialists for assistance with distribution, Returning Officers for the 59 Legislative Assembly District and 6 Legislative Council Regions as well as some 6,000 casual staff for polling and counting functions for the general election. Fulltime AEC Divisional Returning Officers are appointed as Returning Officers in 15 Districts under an event-based contractual arrangement. The contract includes use of AEC premises for the conduct of election tasks including the taking of early votes in person.

The Commission is organised in traditional branches or sections (“SILOs”) for the purposes of on-going tasks. However, for a State General Election, the project teams established to deal with some 70 projects that together make up the delivery of the election service operate across the SILO divides. There is some apparent conflict between the two models in that staff tend to revert to their SILO role and not focus on the broader project role. Elements of projects that cross SILOs appear to be the source of bottlenecks and missed deadlines so better coordination across the branches or sections is essential. Indeed, it may be more effective to have fewer branches or sections and considerations should be given to restructuring the Commission to that end. The principal task of the Commission is to run elections so the majority of resources ought to be focussed on that task. However, given the present tasks required of the WAEC, the organisation appears to be adequately resourced

Recommendation 4: An organisational review should be undertaken to develop models which examine the linkages between on-going and election roles and to give more emphasis to the impact of day-to-day work on delivery of election services. Consideration should be given to restructuring the Commission to produce fewer branches and sections with the majority of staff members focussed on election services.

The Commission conducts its business from permanent, leased premises at Level 2, 111 St Georges Terrace as well as at a small leased warehouse in East Perth. All other accommodation requirements for distributions, local government election processing and general election tasks are leased at the time of the event. In the case of the general election, and in particular because of the absence of a fixed date, many of the premises leased are less than optimal for their purpose and come at a substantial price premium because of the short notice involved. In the case of the Counting Centre which needs to be a secure operation requiring some 5,000 square metres of floor space, this has a major potential operational impact. The high cost structure is also exacerbated by the need to fit out and provide information technology and communications services at short notice to an unknown location. More permanent arrangements for the longer term conduct of Commission business would make sense and could be expected to generate savings to the budget as well as operational efficiencies.

Recommendation 5: The Commission should prepare a detailed case for government for the long term lease, purchase or construction of an integrated headquarters of sufficient size to house the permanent staff, warehouse, information technology centre and election processing centre.

4. PARLIAMENTARY TERMS

In WA, the term for the Legislative Council is fixed at four years commencing on the 22nd of May while that for the Legislative Assembly may be of any duration not exceeding four years from the day on which it first met. These provisions are set down in the *Constitution Acts Amendment Act 1899*. For reasons of cost and public acceptance, it has been the practice of past governments to conduct both the Legislative Assembly and Legislative Council elections concurrently. In effect, this results in a Legislative Assembly term that is at least three years long after which an election may be held at any time after the 23rd of May in the year preceding the expiry of the term of the Legislative Council.

The matter of a fixed date for the general election was highlighted in the 2005 election report and this resulted in a provision for a fixed date being included in an amendment Bill in the previous term. The Parliament did not consider this provision as it was removed from the amendment Bill.

Not having a fixed term for the Legislative Assembly brings with it considerable cost and election logistical drawbacks as many arrangements, despite the best of planning, need to be made at the last minute when the election date is known. Of particular note is the need for the employment and training of over 6,000 polling staff and securing premises for polling places (800) and securing a counting centre (approximately 5,000 sqm). None of these can be finalised until the election date is known.

If there were to be a fixed date for the general election, in many cases there would be savings in the purchase or hire of equipment and services and it would be much easier to recruit staff and secure premises. In addition, delays to decisions within the business community and the public sector can and do occur when elections are thought to be imminent and such delays could be avoided. And most importantly, the risk of disenfranchising electors would be reduced because if the election date is known, electors who are planning to be away at the time can make arrangements to obtain a vote. For these reasons, the setting of a fixed date for general elections, as is the case for elections in New South Wales, Victoria, South Australia and the Australian Capital Territory, has considerable merit.

With no fixed date for an election, the current legislated timetable provides a reasonable period for electors to enrol or update their details as well as a lengthy period for candidates to nominate. If there were a fixed date election, these periods could be shortened as all concerned could be made aware of their obligations and the time saved could be devoted to ensuring that comprehensive operational arrangements were in place. A significant benefit would result in the area of postal voting where electors in rural and remote regions would have more opportunity to have their vote returned in time to be counted.

Recommendation 6: The Commissioner should approach the government with a view to drafting legislation to define a fixed election date for concurrent Legislative Assembly and Legislative Council elections.

5. ELECTORAL EDUCATION AND AWARENESS

5.1 On-going activities

Existing electoral education policies and practices used by the WAEC were reviewed to gauge their impact on the delivery of election services. The use of the excellent Electoral Education Centre with its capacity to service school children and youth, adults, indigenous and ethnic groups is thoroughly supportive of the election roles. Partnering with peak bodies to ensure that there is equity in the provision of education services does appear to be effective. The Review Team has no recommendations for change in these matters.

5.2 Election specific activities

The Commission relied on a combination of traditional advertising in the print and electronic media as well as on its own and other websites to inform electors regarding their rights and responsibilities in connection with the election. There was timely advertising to meet both statutory advertising requirements and information services.

Of note is that the statutory advertising requirements have been carried over through many updates of the *Electoral Act 1907* and reflect a traditional approach to advertising that no longer reflects public use of the mainstream media. In particular, increasing usage of the internet does not feature in such requirements. The schedule of advertising for the election was reviewed and found to be most comprehensive with no recorded complaints about coverage. The statistics for visits to the Commission's website showed that this service was well-utilised throughout the election period.

After the distribution in 2007 a full colour brochure outlining the final new boundaries was prepared and distributed. Further because of the extensive impact of that distribution, a non-addressed pamphlet outlining the elector's responsibility to vote and the polling places relevant to the electorate was distributed during the election period in an attempt to inform electors of the District in which they resided. Given the complexity of the boundaries in the more highly-populated areas of the State, the probability of getting the right pamphlet to every household was not high. This was reflected in a survey of voters taken after the election as a high proportion could not recall receiving the brochure.

The post-election voter survey indicated that some 46% of electors were aware of the Commission's advertising with the majority of these in the metropolitan area. Of those that were aware, only half claimed that the advertising provided them with the information they required and only 7% could recall the theme or slogan of the campaign. A similar survey after the 2005 election produced matching results and this experience is reflected in other interstate Electoral Commissions. Clearly, election-related advertising during the election period is dominated by political parties and some candidates. Editorial comment in the media is directed at the election issues. It is difficult, if not impossible for the Electoral Commission with essentially a process message to gain any traction in this crowded market.

Recommendation 7: The Commission should review the current requirements for statutory advertising and prepare recommendations for government on changes that reflect current media usage trends.

As this advertising failure had been experienced in 2005, the Commission sought separate funding for a personally addressed voter card letter to all electors to support the general election information and advertising campaign. The letter was designed along the lines used successfully in some other jurisdictions and was to give each elector details of their enrolled District and Region, information on how and where they could vote, basic details of how and when their vote would be counted and contact details for further information. Further, the elector was to be encouraged to take the letter with them when voting so that there would be no confusion as to the enrolled address or their name, ending confusion in polling places about an individual's entitlement. Most unfortunately, the funding was not forthcoming. Moreover, as there will now be a distribution between each election instead of after every second election (although there will be fewer changes at future distributions) the need for direct information to each elector is almost essential, apart from being the most effective form of communication.

Recommendation 8: The Commission should utilise funding allocated for distribution and election advertising and awareness campaigns for minimal statutory advertising. The majority of the funds should be used for the production, distribution and promotion of a personally-addressed voter card letter to all electors on the roll as at the close of roll at each election.

6. ELECTORAL ENROLMENT

In WA, the electoral roll is maintained by the AEC for federal elections and by the WAEC for state and local elections. However, the elector data is extracted from the one enrolment form completed by electors and processed by the AEC. Weekly updates are passed electronically to the WAEC which adds new and amended elector data to the in-house Electoral Roll Management System (ERMS). This process is a result of many years of co-operation under a formal Joint Roll Arrangement between the State and the Commonwealth. Previous to the Arrangement, separate enrolment forms were collected from electors who were required to enrol for federal and state/local rolls. Any decision to revert to separate enrolment forms for the different jurisdictions would involve considerable cost and effort and could be expected to be met with derision by a voting public already tired of duplication within the public sector.

Unfortunately, the State and federal rolls are diverging rapidly due to minor differences in enrolment qualifications. Basically, to be enrolled on the federal roll an elector needs to produce proof of identification in the form of a driver's licence although there are subsidiary methods of demonstrating entitlement. For state purposes, an elector must have a witness attest to his/her entitlement. This has resulted in many enrolment forms being completed partially and providing entitlement to one or the other jurisdiction but not both. At present, the roll, which should be a common document, contains approximately 10,000 federal-only electors and 8,000 state-only electors. This is unacceptable and serves to disenfranchise these individuals.

Recommendation 9: The Commission should prepare a case for legislative change that introduces common federal/State enrolment qualifications in WA.

This situation prompts the question, why is a separate state roll necessary? The commitment of the enrolment staff in the WAEC is unquestioned as is the computer systems support provided by relevant WAEC staff. However, there is some 8 full time equivalent staff involved in day-to-day roll management and support tasks. This number is increasing as the Commission embarks on a long-overdue re-write of the ERMS package, funding for which has been included in the budget and expected to cost more than \$1 million. What is not costed is the impact on senior Commission staff of managing the roll and associated processes. There is an opportunity cost to continuing with the current arrangements that can impact on higher priority tasks such as managing elections. While any model of roll management would require the allocation of some WAEC staff, the tasks could be reduced to an audit and quality role more consistent with improved election service delivery.

This duplication occurs elsewhere only in Victoria where the State maintains its own roll under similar joint arrangements. All other States and Territories use the federal roll for electoral purposes. Customised roll products to meet particular state legislative requirements, such as the local government property franchise that exists in WA, are specified in service level agreements and memorandums of understanding negotiated under the Joint Roll Arrangements. Strategic roll management issues are dealt with nationally through the Electoral Council of Australia of which the WA Electoral Commissioner is a full member. There remain on-going tensions between the State/Territory Commissions and the AEC over the roll services which are enshrined in the Arrangements as a partnership but which appear to have been viewed by the AEC more as a provider/client model. Nevertheless, all participating organisations owe their allegiance to the elector who does not care about such differences.

There are a number of approaches that could be considered for the provision of accurate, up-to-date electoral rolls for WA:

- A separate roll with a separate enrolment form could be established. As already discussed, this would be very costly and unlikely to be acceptable to the public.
- The existing model could continue with its cost penalties and continuing divergence.
- The one roll model used in Queensland, New South Wales, Australian Capital Territory, Northern Territory and South Australia could be adopted and probably without amendment to the current Joint Roll Arrangement. This would necessitate a more realistic cost-sharing outcome where the Commonwealth accepts that use of state-based data, such as driver's licence information, pivotal to effective roll maintenance, is factored into the formula for determining transfer payments between WAEC and AEC.
- A new model could be developed using a national roll management authority separate from the Electoral Commissions charged with production of roll products for each jurisdiction. This is already a proven approach in New Zealand. The use of modern mapping systems and spatial data bases would ensure the roll was always based on legitimate addresses. Such an authority could progress developments in the use of existing databases to automatically amend the roll as when an elector changes address with one government agency their address could and should be changed elsewhere without the need for time-consuming, laborious completion of forms. A business case for the direct enrolment of electors is being progressed in New South Wales.

For now, the Review Team believes that some change is essential so that electors are not disenfranchised because of legislative and procedural intransigence.

Recommendation 10: The Commission should undertake a study in conjunction with the AEC into the costs and operational implications of using the federal roll system (RMANS) and abandoning the WAEC ERMS system.

7. BOUNDARY DISTRIBUTION

Prior to the introduction of one-vote-one-value legislation, distributions were done after every second election. The first distribution under the new arrangements was done in 2007 and now a distribution will occur two years after every election.

In the distribution process when the proposed boundaries had been drawn a colour brochure outlining the proposals was widely distributed in the State. A further publicity campaign was undertaken a few months later when the final boundaries had been determined. This campaign was an expensive exercise and was probably ineffective judging by the number of absent votes taken during the 2008 election. The proposals need widespread coverage so that all interested individuals or organisations might have the opportunity to lodge an objection. However, it would be more effective and a better use of money if the minimum necessary publicity was given to the final determination at the time it was made and electors were informed by direct mail of their particular electorate details immediately before each election. The distribution in 2007 created significantly different electorates to those existing before. Now that there will be a distribution before each general election and with resultant change for many electors, reminding all electors of their electorate and the appropriate polling places they can use at the time of the election would be more meaningful.

Recommendation 11: Advertising of the final boundaries after each distribution should be restricted to minimal statutory needs only with funds previously assigned for this purpose directed to an election voter card mailout.

8. INFORMATION TECHNOLOGY AND COMMUNICATIONS SYSTEMS

Apart from a suite of commercial office and productivity software, the WAEC utilises locally-developed systems for roll management, election management, website, easy absent voting, postal voting, call centre support, apparent non-voting and multi-voting processing and the Legislative Council data entry and distribution of preferences. External providers are used for casual staff recruiting (Big Red Sky), casual payrolls and major systems development software and staff support.

The Review Team considers this approach to be appropriate for the Commission. However, the integration of systems development staff into functional project teams rather than working to the side as providers could be expected to aid in meeting corporate timeframes and incorporating user acceptance and ownership into the final products.

Recommendation 12: IT Section officers should be included in the election project teams so that IT system needs are co-ordinated with operational requirements and enhancements or new system developments are complete within the agreed project milestones.

9. ELECTION BUDGET

The Review Team reached the conclusion that the budget provided for the conduct of the election was sufficient. However, it is surprising that the Commission does not seem to have the latitude to develop and allocate the budget as required and without external approvals. A case in point is the refusal by Treasury to allocate funds for a voter card letter. Naturally, as with all public sector agencies, the Commission should be accountable through normal processes such as audit but within those constraints, the Commissioner should be the appropriate officer for determination of a budget sufficient to provide election services as envisaged in legislation.

10. ELECTION LOGISTICS

At the time of the issue of the Writs the Commission had the majority of its logistics plans ready for implementation. The unexpected early election did create some difficulties with the mobilisation of contractors and the rental of the necessary accommodation. Of note, Returning Officers Manuals the Mobile Polling Manual and Scrutineers Guides were not available. Comments were received about the packaging schedules for polling places with suggestions that these packs be produced in advance rather than relying on bulk material being sent to Returning Officers.

These and related issues have been recognised by staff in preparing their election review reports. Other than the earlier recommendation regarding the need to have projects completed in time for the earliest possible concurrent election date, the Review Team considers that the logistics management function was properly managed and no further recommendations are necessary.

11. THE 2008 ELECTION TIMETABLE

In a state the size of WA the minimum statutory time to conduct an election has the propensity to disadvantage rural and remote electors. When the election is being conducted in the minimum 31 days, the start up time for postal vote preparation is at least 11 days (to allow for enrolment to close, nominations to close and ballot papers to be printed) meaning that there are barely three weeks for mail to go out and come back. Given that some locations have a once a week postal service, everything has to work smoothly for the postal vote system to be effective. If there was a fixed date for the election the close of rolls and close of nominations period could be shortened because electors and intending candidates would be aware of the timetable and the time gained (in the 31 day minimum period) would provide more time for rural and remote electors to vote by post.

Recommendation 13: The Commissioner should approach the government with a proposal for a modified election timetable under fixed date elections that reduces the time available for a roll close and nominations to three days and increases the minimum period between close of nominations and polling day so as to enhance the ability of electors to exercise their franchise, particularly those in remote areas or voting by post.

12. CALL CENTRE SERVICES

A contract was in place for the provision of a telephone call centre to begin operations on announcement of the election. While training had been planned for about the time of issue of the writs, and the first session was actually underway on 7 August, there was a lag in having trained operators on line in a timely manner. Three further training sessions were held on 8, 11 and 13 August in order to reach a full complement of telephone agents. Some negative comments were received regarding the training suggesting that it was not especially relevant to the types of calls that could have been predicted. Nevertheless, over 41,000 calls were fielded up to and including polling day. Basic information on enrolment, voting options, polling places and candidates were handled by the operators with more complex questions passed to WAEC subject matter experts. This call escalation process created some problems as the capacity to have on-site expertise at the contractor's premises was limited. In practice, this meant that queries had to be forwarded to staff at WAEC Head Office and their capacity was stretched causing delays in responses to electors. The Election Review Committee report on this topic is comprehensive and the Review Team has no additional recommendations.

Computer support for the Call Centre was problematic and late. As one of the many election projects established in 2007, the Call Centre had requirements for access to computer systems support. While the contractor provided standard call monitoring and management software and reporting, the WAEC was required to provide electoral roll access and postal vote application/issue information as well as access to the website. The desired outcome was for online access to the live WAEC database and this failed to materialise due to the late start to this component of the project and data communications issues with Telstra. After some days, a WAEC server was located at the Call Centre and daily roll updates were provided up until the roll closed. Postal voting information was not available at the Centre until late in the election period. Again, this issue is covered in the Election Review Committee report and the Review Team has made a recommendation regarding computer systems readiness and the need to integrate such tasks into election project management earlier under the section on information technology and communications systems.

There was evidence of the continuing trend for electors to seek information by email. In 2005, there were few such requests but in 2008, there were over 4,000 emails received seeking election specific information. There was no established procedure in the WAEC to respond to these requests. Ad hoc arrangements were made and this impacted on the work of individuals across the Commission. Future events need to have planned capacity to cope with email requests. This could be incorporated into the outsourced Call Centre model or conducted separately.

Recommendation 14: Planning for the provision of response to elector enquiries for election events should incorporate an element for handling both telephone and email requests.

13. NOMINATIONS AND CANDIDATE/POLITICAL PARTY SUPPORT

Overall, the legislation, policies and procedures in place to deal with candidate nominations and to provide support and information to candidates and political parties is considered to be satisfactory. The need to have established relationships with party offices on an on-going basis is important as attracting their attention and communicating issues of importance at the time of an election is difficult as both the parties and the Commission are extremely busy. This is particularly evident in the case of providing for the needs of scrutineers and their resultant expectations and behaviour.

Non-party candidates can be more difficult to service as often they do not appear until the election is announced. Continuation of the development of quality Candidate's and Scrutineer's Guides is the best way in which to meet the needs of these individuals.

Nominations for Legislative Assembly and Legislative Council candidates endorsed by a registered political party can be lodged in bulk at the WAEC Head Office. Other candidates must lodge their nomination with the relevant Returning Officer although Legislative Council candidates may lodge with any of the District Returning Officers within their Region. A draw for positions on the ballot papers is held by District and Regional Returning Officers after 12 noon on the day appointed on the Writs for the close of nominations. While the process is clear for the Assembly candidates, in the case of the Council, last minute nominations possible in a variety of locations and the need for Regional Returning Officers to establish a location for the purposes of the draw can lead to confusion.

Recommendation 15: Candidate nominations and the draw for ballot paper positions for the Legislative Council should be centralised into the WAEC Head Office.

14. TEMPORARY ELECTION MANAGERS

14.1 Returning Officers

Each of the 59 Legislative Assembly Districts and the 6 Legislative Council Regions has an appointed Returning Officer. As the role of the Regional Returning Officer is focussed more on the counting of the vote rather than taking the vote and is well described in the relevant Manual, the Review Team has no specific recommendations regarding their role apart from the procedural change regarding nominations.

On the other hand, District Returning Officers have a much greater role with responsibilities across the whole spectrum of conduct of the election. The role is adequately described in legislation and a Manual. The Review Team believes that this description has much to owe to an era long gone when communications and means of transportation were less developed and the need to have considerable authority still vested in Returning Officers in far flung parts of the State was necessary. Today, the role has become one of a senior operational manager rather than a statutory decision maker and there should be amendment to the relevant legislation, policies and procedures to reflect the practical realities of the role in the 21st century. A case in point is the decision on requests for a recount of votes. At present, that decision rest solely with the Returning Officer and any subsequent appeal is effectively to the Supreme Court sitting as the Court of Disputed Returns. The Review Team believes that this is anachronistic and at the very least, there should be a right of appeal to the Electoral Commissioner when a Returning Officer refuses a candidate's request for a recount. It would be preferable to change the legislation to give all authority to the Electoral Commissioner with the Returning Officers merely acting as the Commissioner's agents in the field under direction.

Recommendation 16: The *Electoral Act 1907* should be amended to give the Electoral Commissioner final authority in all matters relating to the conduct of the election.

There are many useful and important recommendations included in the reports on this topic from the Election Review Committee. The Review Team concurs with those recommendations and suggests support for a number of them raised in interviews including the following:

- remove the confusing hours of work indication from the Big Red Sky job description for polling officials;
- consider the scope for allocating the most experienced Returning Officers to Districts likely to be complicated;
- examine the cost and operational implications of appointing Assistant Returning Officers in geographically large Districts;
- consider a small petty cash advance for Returning Officers so that they might react promptly to minor shortages of equipment without having to personally fund such purchases; and
- institute a Returning Officer mentoring program to operate between elections utilising experienced Returning Officers, Liaison Officers and subject matter experts from the WAEC Head Office.

Retention of Returning Officers when they generally only operate once every four years is a challenge for the Commission. Strategies that include more continual contact through a newsletter, on-going training and a retention or experience bonus incorporated into the payment package are worthy of consideration. Of course, a fixed date for the election would assist greatly in gaining commitment from these temporary officers to be ready to serve when required. For the 2008 election, some 30% of Returning Officers had never conducted an election and a further 5% had only local government experience. While all had been appointed by mid-year, the planned training schedule had to be truncated due to the early election and two replacements had to be appointed for drop-outs unavailable for the early election period.

Recommendation 17: The Commission should undertake a study of cost-effective methods to aid in the retention of Returning Officers.

Many of the Returning Officers received only one day of face-to-face training conducted during the election period and this was not enough to cover their recruitment and training of polling officials and their specific operational responsibilities. Knowledge gaps had to be covered on an exception basis through intervention and assistance from experienced peers, Liaison Officers and permanent staff of the Commission which diverted these officers from planned functions for the election. Inevitably this led to a patchy, but nonetheless creditable, performance.

A key problem with the work of Returning Officers is that they are not appointed as full time officers for the election period. There are phases during the election period when the Review Team believe that a full time Returning Officer is essential to the successful conduct of the election. As a minimum, these include the latter days of the nomination period when arrangements for candidates can be finalised. Importantly, they should be full time in the week before polling day when they can attend to final training of and replacement where necessary of polling officials, sort out materials issues, manage mobile polling, conduct preliminary scrutiny of declaration votes and resolve local candidate issues. Equally, the week after polling day should be full time for the conduct of further scrutinies leading up to the distribution of preferences and a formal declaration of the poll. These matters cannot be left to the convenience of a Returning Officer who has other full time work commitments.

Another issue with selection of Returning Officers is that of computer literacy. While most will have at least basic computer skills, there seems to be a reluctance to utilise the Commission deployed systems, particularly for the transmission of results. These systems enhance the speed and accuracy of results and add to greater transparency of the election. The few Returning Officers who used the results module found it to be simple and fast but all others persisted with telephone or facsimile transmission which should now only be used as a backup in the event of system failure. In the future, the need for a Returning Officer to have the majority of their activities computerised will be essential. Good models exist in other States. The Electoral Commission of Queensland's "office-in-a-box" concept is notable in that it provides functionality for all Returning Officer tasks and embeds performance standards which ensure consistency while enhancing the Returning Officers capacity to deliver service irrespective of location. Communication via secure email also provides the necessary links with Liaison Officers and other Head Office staff.

Recruiting of suitable Returning Officers both able to commit to some full time work in the absence of a fixed date election as well as having the necessary computer skills will be a challenge for the Commission but the Review Team is in no doubt about the improvements to speed, accuracy and transparency that will accrue from the recommended approach.

Recommendation 18: The job description and qualifications for Returning Officers should be revised to include the need for computer literacy for all appointees and that they will be required to work full time for specific periods of the election timetable.

Recommendation 19: Training plans for Returning Officers should include face-to-face, online and one-on-one methods including with Liaison Officers as necessary and their training should be continual.

14.2 Polling Officials

Staffing formulae for allocation of staff to polling places and payment schedules for the various roles appear adequate. Recruiting policies for casual staff make it mandatory to use the State Government Big Red Sky personnel system and while this does produce a reasonable outcome, in a very tight employment market, it is not uncommon for Returning Officers and senior polling place staff to have to first have to find willing polling officials and second, have them register so that they might be offered a position. Experienced Returning Officers are aware of the vagaries of the system and managed prompt recruitment while newcomers appeared to struggle. An examination of the recruiting function is recommended by the Election Review Committee and the Review Team supports that approach.

The common concerns expressed about polling officials were related to their inexperience, inconsistency, speed and accuracy. Clearly, these problems were not manifest in the actions of all officials. However, the manner in which elections are conducted in Australia relies heavily on a good performance by all polling officials. Key to ensuring satisfactory standards of performance is the task description included in manuals and training. The WAEC manuals for polling officials are comprehensive but in parts do seem excessively so for the purpose. Distilling the work requirements to a checklist with the existing material as a reference may be less daunting for these “one-day workers”. For those that are to receive face-to-face training, namely, Polling Place Managers and Declaration Vote Issuing Officers, the sessions should be based purely on the practicalities of delivering the election services specified and emphasise the need to seek advice from the Returning Officer as necessary. There was considerable criticism about the DVD provided for polling official training support. This aid was copied from the 2001 version but edited to deal with new forms and various procedural changes since then. As a result, the product had little beneficial training impact. If the power of a DVD-based training aid is to be of benefit, it must be professionally produced, cohesive and up-to-date. It would be desirable to add an on-line component to the training so that interested casual staff might be able to revise privately. This could be extended to a compulsory requirement for casual staff to register to a web-based training application and complete a set routine of study and worked examples appropriate to their role. Irrespective of the delivery method, one of these examples must be a practical exercise in completion of the ballot paper reconciliation so important to accountability for the results. The current polling place return (PP44) is a comprehensive document but needs review so that appropriate emphasis can be given to the reconciliation task

Recommendation 20: Manuals and training materials for polling officials should be reviewed to simplify the details by use of checklists as the primary information source.

Recommendation 21: Training routines for Polling Place Managers should include face-to-face and online and be monitored by Liaison Officers.

Recommendation 22: The WAEC should consider the need for a DVD-based training aid and if required, prepare a new version for future events.

Recommendation 23: The Polling Place Return (Form PP44 and addendums) should be reviewed to simplify the process of reconciliation of ballot papers.

14.3 Returning Officer Liaison Officers

There were six of these positions created for the 2008 election with four active at any time during the election period. Their role was to support a group of Returning Officers by being a point of contact and ensure that necessary resources and information was available to their Returning Officers at all times. They also provided an information conduit from Head Office staff to the Returning Officers. The role was established for operation only during the election period although the appointees also attended and assisted with Returning Officer training sessions. Given the earlier recommendations regarding continuing training and mentoring for Returning Officers, it would be of value to incorporate the Liaison Officers into the delivery of that training and to use them in a part time role as project team members.

Recommendation 24: The Commission should review the role of the Returning Officer Liaison Officer with a view to establishing their positions in a part time capacity well prior to the election period.

15. VOTING SERVICES

At the time of an election the vast majority of electors are expected to attend a polling place on polling day. There is provision for those who are infirm or who live in rural or remote areas to become general early voters (a registered postal voter) and in cases where the numbers warrant it (in remote settlements or hospitals and nursing homes for example), mobile polling is conducted. But the vast majority of electors attend a polling place and cast an ordinary or absent vote. Other voters may qualify for an early vote, either in person or by post with those qualifications written into the legislation. These early votes are actively promoted by the major political parties and it is doubtful whether all such voters are technically qualified. In 2005 there were 80,210 early votes counted while by 2008 this had risen to 122,576. The 50% increase in early votes compares with just a 5.6% increase in enrolment in the same period. The final category of voter is one whose name cannot be found on the electoral roll by a polling official and these electors are entitled to a provisional vote, cast as a declaration vote.

A number of suggestions were put to the Review Team in relation to the provision of voting services to people working on the many WA mine sites. These included an extension of mobile polling as well as interception of the workers at airfields before they departed for their stays on site. The WAEC demonstrated well developed contacts with the mines and the various companies involved and offer postal voting services to mine site electors who will be away for the full duration of the voting period for an election. Also, a specific voting information poster was produced for distribution to the mine sites. The Review Team consider that the existing approach is appropriate for the needs of these electors.

In practice in WA, electors have been provided with a Certificate of Attendance when they cannot be found on the roll or if a polling place runs out of ballot papers. This practice may appease the uninformed elector and assist in clearing otherwise difficult customers from the polling place but it is no less than the denial of the right to exercise one's franchise. While stocking polling places with sufficient ballot papers to meet reasonable contingencies can be difficult, and especially after distribution of boundaries on the scale experienced in WA in 2007, closer attention must be paid to voting estimates so that to the extent possible, no polling place ever runs short of ballot papers. Similar problems were reported from some polling places where ballot papers were available but there were no more declaration envelopes for use in absent voting. The Review Team makes no recommendation relating to the adequate stocking of polling places as the Commission is well aware of this requirement. However, a fundamental revision of the voting process is necessary so that all staff, from permanent officers to one day casuals understand that the franchise must be protected. The much wider use of the "easy absent system" as described elsewhere in this report would do much to reduce the number of declaration absent and provisional votes, should ensure that the vast majority of electors obtained the vote to which they are entitled and almost eliminate the need for Certificates of Attendance.

Recommendation 25: The WAEC should work to eliminate the need for Certificates of Attendance through the much wider use of the easy absent system.

The public rarely distinguish between the AEC, which organises the federal elections and the WAEC which organises the State elections and so when it comes to the establishment of polling places, it is in the public interest if the two Commissions work closely together so that as many polling places as possible are common for both Federal and State elections.

Recommendation 26: The WAEC should initiate a formal process with the AEC to compare and where possible harmonize polling locations and methods so as to reduce elector confusion.

One issue highlighted in the media for the 2008 election was the fact that some electors in Eucla were unable to vote because there was no polling place established there. The WAEC has not provided a polling place in Eucla for many years and relies on postal voting for electors enrolled for there. Some three quarters of Eucla electors are registered as general early voters and received their ballot papers automatically. The AEC did have a polling place on the highway near Eucla as a trial for the 2007 Federal election but the majority of electors who voted there were WA absent voters or from other Australian States. The Review Team understand the AEC does not intend to repeat that service. A closer communication between the AEC and the WAEC on the matter of polling place establishment could have been expected to highlight the possible expectation of static polling in Eucla for the 2008 State Election and action taken to avoid disenfranchising any members of the community. The best course of action would have been to ensure all the electors in the area were enrolled as general early voters.

Recommendation 27: The WAEC should actively promote general early voting to electors in areas where static polling place or mobile polling services are unlikely to be established.

15.1 Early voting in person

Of 62,741 early votes in person issued in 2008, 38,733 were issued from AEC offices under the event contract with that organisation (at a cost of \$6.50 per vote), 12,513 from WA Courthouses, 5,497 from Perth airport and 3,832 from the WAEC Head Office. The remainder were issued from interstate Electoral Commissions or from overseas locations. All of these votes were declaration votes even though there is a legislative provision for them to be issued using the easy absent system, that is, the electors name could be marked off the roll and completed ballot papers enclosed in an envelope marked only with the District name to be ready for counting as early as polling night.

Recommendation 28: The easy absent system should be used at all early voting in person locations in WA.

Difficulties were experienced with some Courthouse staff reluctant to become involved with early vote issuing. This is a legislative requirement and thus is not optional. The WAEC do provide some casual staff assistance to Courthouses to overcome staffing problems arising from the additional workload and a more receptive approach from all Courthouses may serve to reduce or eliminate the costly use of AEC services. This matter needs resolution at the highest level.

Recommendation 29: The Electoral Commissioner and the Director-General of the Department of Justice should meet as soon as possible to resolve the arrangements for issuing of early votes from WA Courthouses.

Concerns were expressed that the voting hours at the Perth domestic and international terminals did not cover the early and later flights and therefore missed many potential early voters. The Election Review Committee has recognised this problem and is proposing amendments.

While the number of overseas voters is relatively small, this probably reflects the fact that such voters need to present at an Australian Embassy or High Commission or at a WA Trade Office to lodge an early vote. An elegant solution to this dilemma has been developed by the New Zealand Electoral Office whereby voters download a declaration and ballot papers from the Elections New Zealand website and return the completed papers by facsimile to a secure section of the Office. A similar approach may serve to extend the franchise to WA electors at limited cost and without the complex involvement of many overseas missions.

Recommendation 30: The WAEC should undertake a study into the New Zealand overseas voter issuing process to determine costs and suitability for the WA requirements.

15.2 Early voting by post

Similar to the experience with early votes in person, the number of postal votes counted for this election increased by 32% over the 2005 election. While 81,219 postal vote packs were issued, 59,385 were counted. This gap is normal as many electors subsequently decide to vote in person, return ballot papers too late to be admitted to the count or do not vote at all. The overall number of postal votes continues to increase and this trend can be expected to continue as the two major parties commonly incorporate postal vote applications in their campaign material. The Australian Labor Party (ALP) distributed some 800,000 applications and the Liberal Party up to 16,000 applications in most metropolitan areas. Saturation coverage on this scale can only serve to increase postal voting. Encouragement to vote is applauded but many electors will be confused into thinking that they have an entitlement to a postal vote when this is not necessarily the case. Further, ALP applications did not include the statutory requirements for postal voting qualifications and unnecessary increases in postal voting will add to election costs and continue to delay results in close seats.

Recommendation 31: All postal vote applications whether produced by the WAEC or by other individuals or organisations should include on the form the qualifications for eligibility for a postal vote.

A particularly useful category of postal voting is the general early voter where individuals who are qualified for a postal vote by reason of infirmity or distance from regular polling facilities can register to have postal voting material sent automatically without the need for further application. These individuals generally qualify for both federal and state registration and in most cases, the general voter register is the same for both jurisdictions. To assist qualified voters to be added to the register, the Review Team believes that the power of the electoral roll address base should be harnessed to identify potential general early voters. This would further assist in overcoming "Eucla" situations.

Recommendation 32: Where an area or locality is deemed to have no polling place or mobile polling service, the electoral roll should be annotated so that electors enrolling for such places are automatically offered general early voting registration.

As candidates and parties have a right to canvass for the votes of all electors, the general early voter register ought to be made available to them on request as at the issue of the writs for an election. In the case of one-off postal vote applications, those issued by political parties are generally printed with the return address of the party. This has led to confusion in the past and accusations of delays in forwarding the completed applications to the Commission for processing. While the Review Team makes no recommendation on this matter, the WAEC may wish to consider the system in use in Victoria whereby all applications from any source are returned to the Electoral Commission and, as a part of the processing, the relevant party is notified on a same day basis of the details of the applicant.

Recommendation 33: The register of general early voters should be supplied to political parties or candidates requesting access as at the issue of the writ.

At present, a postal vote can be applied for in the period from announcement of an election through to 6 pm on the Thursday prior to polling day. Issuing a postal vote to an elector by mail after this cut off time is meaningless as mail delivery times mean it is unlikely to reach the elector on the Friday and mail is not delivered on Saturday therefore completion of the ballot papers before the close of polling at 6 pm on polling day is a practical impossibility. The cut off time should be reviewed as the review team believe that mail sent after the Wednesday prior to the election is unlikely to get out to the elector in time for him or her to vote before 6.00pm on polling day.

Recommendation 34: The cut off day for application for a postal vote should be put back one day from the Thursday before polling day to the Wednesday (at 6 pm) before polling day.

When postal votes are returned after polling day, which they can be up until 9 am on the Thursday following the close of the poll, one of the tests of admissibility is that they are postmarked prior to 6 pm on polling day. With changes in the way in which mail is now processed, the postmark is no longer a satisfactory indicator as to whether the vote was cast prior to the close of the poll. This has been recognised in some other electoral jurisdictions and removed as a requirement. Instead, the postal vote witness declaration requires the witness to certify that they saw the elector complete the vote prior to 6 pm on polling day. This change would enable the counting of more postal votes particularly those from rural and remote areas where postal services are less frequent.

Recommendation 35: The *Electoral Act 1907* should be changed to remove the requirement for a postmark to be a determining factor in the admissibility of a postal vote and to insert the requirement that a witness attest to the fact that they saw the vote cast before 6 pm on polling day.

15.3 Mobile polling

Mobile polling can be conducted in remote areas or in institutions such as hospitals and nursing homes and in both cases where the numbers of expected voters make it worthwhile to reduce what would otherwise result in large numbers of postal votes. In any event, the WAEC and AEC mobile polling schedules need to be compared and made as common as possible as already recommended so that electors are not confused as to their means of voting.

The mobile polling schedules should be established well in advance of any likely election dates and provided to stakeholders so that their planning, for example, for scrutineers, can be considered. A suggestion put to the Review Team on this matter was that the WAEC should provide space on remote mobile polling aircraft for scrutineers on a cost recovery basis. The Team believes that would create considerable problems including for equity for all candidates, planning for the activity and aircraft availability and does not believe that the suggestion has merit.

Some mobile polling in aged care institutions attracted criticism in 2008. Firstly, the polling staff were reportedly unsure of the procedures to be followed in certain cases. In most institutions, many voters are not enrolled for the location and need to cast an absent vote. Again, the easy absent system would be of great assistance. The Polling Officials Manual on mobile polling is clear and the Review Team suggests that this type of problem can be overcome by improvements in training. Secondly, in some institutions senior care staff were reluctant to co-operate with the polling staff and scrutineers. Better communications with all institutions would help.

Recommendation 36: When advising mobile polling institutions of the arrangements for polling, the WAEC should ensure that specific details and requirements are notified so that voters may cast their votes without being hampered in any way.

Recommendation 37: The easy absent system should be used by all mobile polling teams.

15.4 Drive-in voting

The very innovative drive-in polling facilities used in WA provide a voting solution for certain people with disabilities and their carers. Provided that they continue to be located in appropriate locations, that easy absent voting is the norm and use by the general population is not promoted, the Review Team feels that they should remain a voting option.

Recommendation 38: The easy absent system should be used at all drive-in voting locations in WA.

15.5 Absent voting

WA has the distinct advantage of legislation which allows an elector to cast an ordinary vote if the polling place he or she attends has a copy of the roll for the elector's district, the easy absent system. Where the system is deployed, the elector's entitlement is determined quickly, the elector completes the ballot papers and they are sealed in an envelope simply marked with the District name. These are sent at the close of the poll to the central counting venue where they can be counted promptly.

Without the easy absent system, if an elector attempts to vote at a polling place outside the District for which he or she is enrolled, the elector is required to cast an absent vote accompanied by a declaration incorporating relevant personal details. This has three disadvantages. Firstly a polling official must determine which District and Region the elector is enrolled for using a Streets and Localities publication prepared by the Commission. This publication must be prepared sometime in advance of the election and may not be completely up to date. The ability of polling officials to use the publication varies widely depending on their experience, training and aptitude. If the determination of the District is incorrect, that ballot paper cannot be counted. This might also affect the admissibility of the Legislative Council ballot paper. Secondly, the elector is required to complete a personal declaration which serves to increase the waiting time for any elector so involved. Finally, at the close of the poll the declaration votes are delivered to the central counting centre where the declaration is examined to determine whether the elector is entitled to a vote, a process which can take between 5 and 15 minutes to complete. All these steps add to costs, time to achieve a result and jeopardise accuracy.

The Review Team believe that with modern technology it is relatively simple and inexpensive to provide an electronic copy of the whole State roll to a large number, if not all polling places enabling the easy absent system to be used widely. Extensive use will ensure more electors receive the vote they are entitled to, reduce waiting time in polling places and reduce the number of ballots that need to be checked at the central counting centre. Further, most of the easy absent votes should be received at the central counting venue during the Sunday after polling day and counting could commence immediately. The advantages of a quicker, clearer indication of results in close seats are obvious. In 2008, there were 117,017 declaration absent votes counted and 16,607 easy absent votes. This compares with 115,803 declarations absents and 23,599 easy absents in 2005. While these numbers are an indicator of the mobility of the population, they also illustrate the point that a more aggressive approach to rolling out the easy absent system would provide major benefits to all election stakeholders.

Recommendation 39: At all polling places in WA, the easy absent system should be used so that the electors name is marked off an electronic copy of the roll and a declaration (for later checking) is not required. Should resource constraints preclude 100% coverage with the necessary equipment, the rollout could be scaled back to polling places estimated to issue say more than 50 or perhaps, more than 100 absent votes.

15.6 Provisional voting

The Review Team has already made a recommendation regarding the cancellation of the Certificate of Attendance as a substitute for providing a vote. In practice, most provisional votes are not admitted to the count as the elector's declared District or Region does not match their enrolled address or they are not enrolled at all. Electors must retain the responsibility to be properly enrolled at all times. However, the WAEC also has a responsibility to protect the elector's franchise and should ensure that a vote is counted wherever legally possible.

15.7 Ordinary voting

The only issue not already covered in relation to the ordinary (polling place) vote is that of premises. Without a fixed date for an election, the physical locations of some 800 polling places cannot be confirmed until the election date is known. Inevitably this results in last minute changes due to other commitments for the usual operators of the venues. As recommended earlier, holding the elections on a fixed date would eliminate this problem. In the case of state schools, there are far too many reported problems relating to access to the premises and facilities of the schools. There is a statutory requirement for use of these premises and permission should not be an issue.

Recommendation 40: The Electoral Commissioner and the Director-General of the Department of Education should meet as soon as possible to resolve the arrangements for the use of school premises and facilities as polling places.

16. SECURITY OF BALLOT MATERIAL

So that the perception and reality of the security of ballot material is enhanced, a review of the manner in which such material, particularly live ballot papers, is handled is necessary. While the Review Team is satisfied that there are adequate instructions on the matter, lessons learned from the mishandling of ballot papers from the District of Geraldton warrant a review.

Recommendation 41: Training and documentation needs to emphasise the importance of security of ballot material and should be amended to incorporate the requirement for Polling Place Managers to have another official witness the packaging of material.

Recommendation 42: The transfer of material from Polling Place Managers to Returning Officers then to the Count Centre and eventual storage should be reviewed to ensure security is maintained.

17. RESULTS ON POLLING NIGHT

The procedures for the transmission of results on polling night are clear and only need to be reinforced to the relevant users. The speed with which the results were notified to the media and the public attracted deserved criticism with some 40% of results not published four hours after the close of the polls. The reasons for this failure can be traced to training of the polling officials, reluctance to use the computerised results systems and the understandable reluctance of the WAEC to release results without detailed checking.

Polling Place Managers have instructions to phone through their results in three batches. First are the District first preferences, followed by the notional preference count and finally, the Legislative Council first preferences. Many failed to do this, leaving their calls until all counts were completed and in many cases, until they had resolved minor problems with the balancing of their ballot paper returns. Simplification of the PP44 reconciliation process already recommended should assist here. However, the training must emphasise the need for prompt results in all cases.

Returning Officers were provided with facilities for the electronic upload of results directly to the Results Centre. Only a small proportion used the system and relied on telephone and facsimile as already reported. As mentioned earlier all Returning Officers should be required to transmit their results electronically.

Aside from the speed of the count in polling places, the Review Team had only one area of concern with the vote counting. This related to inconsistency with decisions on formality and can be traced once again to polling official training.

Recommendation 43: All Returning Officers should be required to use the EMSWA computer system for transmission of results with telephone or facsimile used only as a backup in event of system failure.

Recommendation 44: Audit/reasonableness editing should be built into the EMSWA results software to reduce the need for human intervention and subsequent delays before publishing results.

18. THE TALLY ROOM

The use of Tally Rooms is a traditional approach to the collation and release of election results in Australia and elsewhere. That they have continued in an era of high speed electronic communications is peculiar. Indeed, it is now the exception to see party leaders make an appearance at a Tally Room as they tend to have their own polling night headquarters established at which they take reports from their scrutineers, television reports, the internet and direct data feeds from Electoral Commissions.

What is now apparent is that a Tally Room is just a very expensive, publicly funded set for the media who continue to accept that they can be herded into the one location, often with less than optimal facilities. And the Tally Room adds a substantial unnecessary management task to the Commission at a time when the best and brightest staff need to be focussed on election operations. For 2008, the Commission's information technology costs alone for the Tally Room exceeded \$80,000. Such expenditure, and the diversion of talented staff, can no longer be justified when all results can be made available instantly via a website or direct feed. The use of funds on a scale now spent on the Tally Room would ensure that quality upgrades to the Commission's website could proceed at no net cost to the budget.

Recommendation 45: The WAEC should discontinue the provision of a traditional Tally Room and utilise the allocated resources for the development of a high quality, interactive website incorporating results for the current and previous elections.

There is no doubt that relevant media outlets would still broadcast or report upon the progress of the count along with their valuable analysis. They would still seek comment from the party leaders wherever they might be and the Electoral Commissioner would still be available at his office to respond to media enquiries from anywhere in the State.

Recommendation 46: The Electoral Commissioner should announce the discontinuation of the Tally Room as soon as possible and engage in a dialogue with the media to develop a model for results dissemination in the future.

19. COUNTING THE VOTES

19.1 Sunday after polling day

With 11 close seats following the close of the counting on polling night, there was criticism about no counting taking place on the Sunday. The fact is there were few, if any, new votes to count as they were all residing in declaration envelopes. Planning for Sunday work called for effort to be directed to the transfer of all live ballot material to the Counting Centre at the Fremantle cruise ship terminal. Under current arrangements, this results in a mass of material, much of it not required for the centralised counting process, having to be dealt with before counting can commence in any large scale way. Forwarding only the material that is necessary for new counting would be more effective.

Recommendation 47: On receipt of material after the close of the polls, Returning Officers should check all parcels and promptly forward only declaration votes, easy absent votes, Legislative Council ballot papers and electoral rolls to the Counting Centre. Legislative Assembly ballot papers, unused ballot papers and other polling equipment should be retained by the RO until called for by the Head Office.

By retaining the Legislative Assembly ballot papers, Returning Officers would be able to commence a fresh scrutiny of those ballot papers counted in polling places on Saturday night. They would also be able to amend the notional two candidate preferred count if the Electoral Commissioner determined that the two candidates selected prior to polling day were not the two leading candidates after the count on Saturday evening. The fresh scrutiny suggested would not be an additional task as it is carried out now prior to the full distribution of preferences. By bringing the count forward, issues related to informality decisions, possible count errors or mis-sorting and the like could be resolved early in the week. The fresh scrutiny should be completed no later than close of business on the Monday following polling day.

Recommendation 48: A fresh scrutiny of Legislative Assembly votes (first preferences and two candidate preferred count – with corrected candidates if required) should be conducted by Returning Officers and finished no later than the Monday after polling day.

If the recommendations for widespread use of easy absent voting are implemented large numbers of these votes cast as early votes in person or by post could be counted on Sunday, if not on polling night.

19.2 Centralised declaration vote counting

The process in place in WA for the centralised counting of declaration votes has as its basis the system of part time Returning Officers. The Review Team supports the continuation of the approach irrespective of whether the recommended full time periods of work are instituted for Returning Officers. As the Legislative Council votes are aggregated at the counting centre for data entry and automated distribution of preferences, the opportunity to have a single location for the major post-polling day activities provides operational and cost efficiencies.

A procedural problem with the centralised declaration vote counting arose in 2008 when batches of declaration envelopes had to be removed in total from processing because one or two had some defect. This slowed the flow of ballot papers to the counting teams and was a source of frustration to scrutineers. A software modification to the control system is being contemplated but the Review Team suggests that expenditure on this enhancement should be considered in conjunction with the highly-preferable expenditure on widespread rollout of easy absent voting. With some hundreds of thousands of easy absents possible, the number and size of declaration vote batches will reduce and perhaps overcome any priority for the software patch.

19.3 Notional preference counting for Legislative Assembly votes

Notional preference counting takes two forms. On polling day, after the first preferences are counted, polling officials count preferences for the two leading candidates – as selected in advance by the Electoral Commissioner – to give an accurate indication of which of those two candidates is leading across all the polling places for the District. This process is called the Two Candidate Preferred Count (TCP). Apart from assisting with an indication of who might win the seat, it provides equity for all candidates and their scrutineers, if any are appointed. In WA, this count is discontinued after polling day so that preferences for the declaration votes are not revealed until the full distribution of preferences. While scrutineers are able to gauge the preference flow, not all candidates manage to have these volunteers available at the counting centre. In 2008, after representation from some parties, the WAEC did begin a TCP count for the 11 close seats. While the TCP results were made available at the counting centre, they were not reported on the Commission's website. The value and equity in continuing TCP counting for all seats is an important part of the transparency of an election; it is also important to political parties, candidates, the media and those members of the public who take a close interest in the progress of election results. If the recommendation of the conduct of a fresh scrutiny of ordinary votes is accepted, this would also provide the opportunity for an amended TCP count if it was found that the two candidates selected as the likely leaders were incorrect.

Recommendation 49: TCP counts should be conducted in all polling places, confirmed or modified as necessary at a fresh scrutiny and be continued and reported on the WAEC website for all declaration vote counts.

The second type of notional count is the Two Party Preferred Count (TPP). In this count, preferences for the two major party groupings are counted as an information resource for future research. In recent Australian electoral history, those groupings have been ALP and Liberal/National. In practice, most District outcomes result in the TCP candidates also being the TPP candidates. However, where this is not the case, there should be a TPP count conducted by the WAEC at some time after the election is concluded and before the ballot papers are stored by the Clerk of Parliament.

Recommendation 50: Before Legislative Assembly ballot papers are lodged with the Clerk of the Parliament, a two party preferred count should be undertaken for information on Districts where the final two candidates were not ALP or Liberal/National.

Recommendation 51: The 2008 election ballot papers for all relevant Districts should be retrieved and the two party preferred count completed and posted on the Commission's website.

19.4 Legislative Council counting

The Review Team has no recommendations regarding the existing Council counting processes. However, as with the District results, the progressive results of first preference counts of declaration votes are important in determining the outcome of the election and should be available on the Commission's website in the week following polling day.

Recommendation 52: Progressive results of declaration votes for the Legislative Council should be updated on the WAEC website on a daily basis while counting continues.

19.5 Distribution of preferences

The major task on the weekend following polling day is the distribution of preferences for the 59 Legislative Assembly seats. This mammoth task can take up to 14 hours per District as it consists of a fresh scrutiny followed by the distribution. If the fresh scrutiny is brought forward and conducted by Returning Officers at their place of business, the distribution of preferences would be simpler and faster leading to earlier declarations of the poll in many cases. The Review Team was advised that in the fresh scrutiny component of the counting, there were no counting errors of any significance found for any Districts.

20. APPARENT MULTIPLE AND NON-VOTING

As a result of the electronic scanning of electoral rolls used for polling, it is now possible for further prompt reconciliation of the voting process. The Review Team understands that there were no apparent multiple voting reports of any significance relevant to the results in any District.

21. SUPPORT FOR THE MEDIA

Comprehensive information resources were made available for media wanting to cover the election. These were supported with timely media releases by the WAEC, a media conference soon after the announcement of the election and daily media conferences at the counting centre in the week following polling day.

The Communications and Corporate Strategy Section of the WAEC is responsible for the preparation of material for support of the media. This section operates in lieu of the use of external public relations contractors which reflects a decision taken some time ago by the Commission. A key plank in this approach is the need for qualified staff to always be available to the media for background briefing and for the Commissioner to be constantly accessible as the spokesperson for the WAEC. Various models exist within other jurisdictions for the delivery of this service and while the Review Team do not promote any of the models, the WAEC should consider alternatives when reviewing the organisation.

22. ELECTRONIC VOTING

In some sections of the voting public there is a strong interest in use of electronic voting. This topic is also of interest to Electoral Commissions worldwide. Many models have been implemented in various parts of the world and there have been some successful trials and roll outs in parts of Australia. In most studies of electronic voting, it has been demonstrated that given sufficient resources, the technology will support the voting process. In order to have successful electronic voting, there needs to be time to develop a system relevant to the jurisdiction, substantial resources allocated to the development, fail safe redundancy built into the process and widespread public and Parliamentary support for the change. For now, the Review Team believes that WA electors are well served by the current voting methods but that the WAEC should maintain a watching brief on developments, preferably through the Electoral Council of Australia.

23. LEGISLATION STATUS

Plans are in place in the WAEC for participation in a major rewrite of the *Electoral Act 1907* during 2009. The Commission is offering suggestions to the Commonwealth's Green Paper on electoral matters now underway and is cognisant of the fact that outcomes for both jurisdictions must reflect the fact that it is the same group of electors who will be affected by any proposals for change. These two activities provide an opportunity to implement the legislative change recommendations in this review.

As the new government in WA contemplates electoral matters and any electoral reform agenda they have, the Review Team can only point to the need for timely action in the passage of legislation through the Parliament. Depending on the scale of any reform, for change to be implemented in time for the next election – provided that election is for a full term (February 2013) – all legislative action would need to be completed by about February 2012. Consultation with the Electoral Commissioner on the impact of planned changes would assist in ensuring implementation.

24. FINDINGS

The 2008 WA General Election was called unexpectedly early. There were gaps in the readiness of the WAEC to conduct the election in as efficient a manner as they would have preferred. These issues resulted in the Commission having to catch up with events as they happened and often as a reaction to events. This gave rise to criticisms from a number of quarters, particularly the political parties and the media.

It is a truism that all decision making in relation to electoral matters falls back on the need to interpret legislation and act in favour of the franchise. If a decision on any matter can be characterised as a compromise between time, quality and resources then in an election context, quality must not be compromised, resources are not limitless so that leaves time – and in the case of the 2008 WA General Election, the time to count close seats – as the only component on which a compromise was possible. But it must be remembered that in 2008 the counting and the Legislative Assembly distribution of preferences was finished one day earlier than that for the 2005 election.

Of note is a comment by the respected ABC commentator Antony Green published on his website on Sunday 7 September:

“At a close election, it is inevitable that the electoral office will come under scrutiny. It is important to remember that more important than delivering a quick result is the delivery of an accurate result, and a result that can also stand up in the face of legal challenge. That is the key imperative now facing the WA Electoral Commission. Fixing up the speed and accuracy of the reporting on election night can follow at a later date.”

The 2008 election was conducted in a free and fair manner and the electorate can be confident of the results. That said, there were procedural and planning failings that have been recognised by the WAEC and situations where processes that would have saved time and enhanced public participation and confidence were not used. The recommendations in this report, if implemented, can be expected to go a long way towards overcoming the areas of concern arising from the latest election.

25. ACKNOWLEDGEMENTS

The Review Team wishes to acknowledge the support and assistance provided by all those who contributed their time and expertise to the conduct of this review. The Executive and staff of the WAEC have been frank in the discussion of their work and the problems they faced in delivering a quality election to the electors of Western Australia and their openness to change in the service of the public of WA was refreshing.

ATTACHMENT A - TERMS OF REFERENCE

The 2008 State general election was held on Saturday 6 September 2008, some six months in advance of an historic February election date. The period between the issue of the writs for the conjoint election and polling day was 31 days, the minimum allowed by legislation. The election was the first held under 'one vote, one value' principles which resulted in significant boundary changes to all electoral districts in October 2007.

The conduct of the election drew considerable negative comment as to the preparedness of the Commission and in turn the provision of voting services, handling of materials, training of casual staff and slowness in determining and displaying results.

Given this commentary an independent review of the conduct of the election is warranted. This review in part is to draw upon the various reviews and reports compiled by Commission staff, market researchers, returning officers and polling officials and from submissions provided by Parliamentary and registered political parties. The requirement to interview key staff and stakeholders would be determined during the course of the review.

Accordingly you are to critically examine and report upon:

- a) The provision of voting services generally and, in particular, in remote and rural locations, including mine sites.
- b) The efficiency of postal voting services with an emphasis on streamlining application and despatch processes.
- c) The efficiency of materials handling (given the continuation of centralised operations) and the physical security of critical items such as ballot papers and roll books.
- d) The collection and dissemination of results on polling night.
- e) The efficiency of declaration vote processing with a view to maximising output for subsequent counting.
- f) The conduct of counting generally to include polling night counting, declaration vote counting and progressive two party preferred counting (and reporting) and counting methodology during the full distribution of preferences.
- g) The effectiveness of the training of returning officers and their consequent training of polling place staff.
- h) Any identified systemic failings.
- i) Any necessary improvements in public education regarding the Western Australian voting system and its application during State general elections.
- j) Media management.
- k) Any other matter relevant to safeguarding statutory electoral processes and retaining public confidence in the integrity of such processes.

You are to provide preliminary verbal advice by early December 2008 on issues requiring immediate attention, noting the pending daylight savings referendum and a formal report including recommendations by mid December 2008.

ATTACHMENT B - REPORT AUTHORS

Bob Longland is a former Electoral Commissioner for Queensland and has wide ranging experience in the planning and conduct of successful electoral events. In an electoral career spanning some 20 years with both the federal and Queensland Electoral Commissions, Bob has been responsible for elections for the House of Representatives and Senate in Queensland, the Queensland State Parliament and numerous industrial, indigenous and commercial elections. In addition, he has been a member of a number of Redistribution Commissions involved in the vital task of setting new electoral boundaries. His experience in electoral enrolment policy and procedures and in the use of modern information technology and communications systems and their application to electoral service delivery has been widely acknowledged. He was a member of the Electoral Council of Australia from 1992 to 2006 and chaired the Council in 2002-03.

Bob has also worked with a number of international electoral agencies in the process of developing systems and procedures suitable for their various needs. These include authorities in Canada, Thailand, South Africa and the Solomon Islands.

Since 2006, Bob has been involved in a diverse range of activities including:

- Director of Southern Cross Care (Qld) Inc, a significant provider of aged care services and retirement living;
- Member, Physiotherapists Board of Queensland;
- Consultant specialising in elections and boundaries management, logistics management and organisational review;
- Member, SE Queensland Code of Conduct Review Panel for Brisbane City and 10 regional Councils; and
- Chair of the seven-person Queensland Local Government Reform Commission

In 2003, Bob was awarded the Centenary Medal for distinguished public service.

Dr Ken Evans is a former Electoral Commissioner for Western Australia.

He has worked in private industry, State government and since 2004 has been the Electoral Coordinator for the City of Perth, now in a part-time capacity and consults in educational and electoral matters. He has held senior positions in the Western Australian Education Department and the Secondary Education Authority of WA (now the Curriculum Council) and culminated his State government career as Western Australian Electoral Commissioner from 1997 to 2002. Ken was a member of the Electoral Council of Australia from 1997 to 2002 and Chair of the Council in 2002.

He is active in the Perth Diocese of the Anglican Church, being a member of Synod of Western Australia, the Diocesan Council, the Wollaston College Council, the Board of Theological Studies and St Paul's Church Council.

He is also involved in non-government educational administration. He has been Chairman of the Council of John Septimus Roe Anglican Community School in Mirrabooka, Western Australia since 1995. He is Chairman of the Board of the WA Association of Independent Schools, and was Chairman of the Independent Schools Council of Australia from April 2005 to April 2008.

He is a Fellow of the Australian Council for Education Leaders.

ATTACHMENT C - DOCUMENTATION, REPORTS AND OTHER MATERIAL EXAMINED

Publications

- 2005 General Election Report
- 2008 Candidates Guide LA
- 2008 Candidates Guide LC
- 2008 Scrutineers Guide
- FAD Guidelines 2008
- Strategic Plan
- WAEC Organisation Chart
- 2008 Annual Report
- Joint Roll Arrangement, Service Level Agreement and Memorandum of Understanding
- Enrolment Statistics
- Call Centre Training Manual
- WAEC to RO Training Manual
- RO to Polling Place Managers/Declaration Vote Issuing Officers Training Manual
- Returning Officers Manual
- Regional Returning Officers Manual
- Polling Place Managers Manual
- Declaration Vote Issuing Officers Manual
- Polling Official Manual
- Mobile Polling Place Managers Manual

Other Data

- Explanatory Memorandum for legislative change since 2005 General Election
- 2007 Redistribution report and public information campaign material
- Description of the main ITC systems utilised by the WAEC Head Office and Returning Officers
- Media Kit issued for the election
- Election advertising schedules for print, radio and TV
- Selection of media clippings/transcripts published during the election
- Daily roll transactions from 7 to 15 August 2008
- List of Registered Parties as at issue of writ
- Election Budget
- Lists of polling places, early vote centres, drive-in polling places, declared institutions, mobile polling locations and schedule, interstate and overseas voting centres and staffing levels
- Polling Place staffing formula
- Call Centre scripts
- Statistics on website hits during the election period – issue to return of writs
- Details of Returning Officers
- Tally Room arrangements
- Post-election Voter Survey conducted by Asset Research
- WAEC Elections Review Committee reports (18)

ATTACHMENT D - INTERVIEWS CONDUCTED

Western Australian Electoral Commission

- Warwick Gately, Electoral Commissioner
- Lyn Sirkett, Deputy Electoral Commissioner
- Warren Richardson, Manager Enrolments
- Desmond Chenik, Manager Information Technology
- Gary Harrington, Manager Business Services
- Rohan Quinn, Leader Tally Room and Call Centre Projects
- Louise Foppoli, Returning Officer for Scarborough
- Jim Petrovski, Returning Officer for Morley
- James O'Neill, Training Officer
- David Payne Manager State Elections
- Peter Villiers, Manager Communications
- Alun Thomas, Planning Co-ordinator
- Louis Zampogna, Leader Returning Officer Liaison
- Justin Harbord, Project Leader, Full Distribution of Preferences
- Phil Richards, Regional Returning Officer, North Metropolitan Region

Australian Electoral Commission

- Colin Nagle, Australian Electoral Officer for WA
- Ian Stringall, Director Operations WA

Other Electoral Jurisdictions (by phone)

- Steve Tully, Electoral Commissioner Victoria
- Colin Barry, Electoral Commissioner New South Wales

Political Parties

- Ben Morton, State Director Liberal Party
- Zach Kirkup, Liberal Party
- Simon Mead, State Secretary Australian Labor Party
- Charlene Farmer, Assistant State Secretary Australian Labor Party

Minister for Electoral Affairs WA

- Hon Norman Moore MLC
- Jeremy Buxton, Electoral Adviser