

REPORT OF PROCEEDINGS BEFORE

**JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS**

**INQUIRY INTO PREPARATIONS FOR THE 2015 NSW STATE
ELECTION**

At Sydney on Friday 24 October 2014

The Committee met at 9.15 a.m.

PRESENT

Mr G. J. Ward (Chair)

Legislative Council

The Hon. R. Borsak
The Hon. T. Khan
The Hon. Dr P. R. Phelps
The Hon. P. T. Primrose

Legislative Assembly

Mr G. J. Aplin
Mr A. R. G. Fraser
Mr P. G. Lynch
Mr A. J. Sidoti

COLIN ANTHONY BARRY, Electoral Commissioner, Electoral Commission NSW,

LINDA FRANKLIN, Director, Elections Branch, Electoral Commission NSW, and

SIMON KWOK, Elections Manager, Elections Branch, Electoral Commission NSW, affirmed and examined:

IAN BRIGHTWELL, Director IT, Electoral Commission NSW, sworn and examined:

CHAIR: Good morning everyone. I declare this hearing open. Thank you for attending this public hearing for the Joint Standing Committee on Electoral Matters today. Today we will be taking evidence in relation to the inquiry into preparations for the 2015 New South Wales State election. Before the proceedings begin, I remind everyone to switch off their mobile phones as they can interfere with the Hansard recording equipment. For the benefit of the people in the gallery, I note that the Committee has resolved to authorise to broadcast sound and video excerpts of the public proceedings. Copies of the guidelines governing coverage of proceedings are available.

I welcome Mr Colin Barry, New South Wales Electoral Commissioner, and from the Elections Branch of the commission Ms Linda Franklin, Director, Mr Simon Kwok, Elections Manager, and Mr Ian Brightwell, Director IT. I thank you for appearing today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr BARRY: No.

Ms FRANKLIN: No.

Mr KWOK: No.

Mr BRIGHTWELL: No.

CHAIR: Would any of you like to make an opening statement?

Mr BARRY: Yes, I would. I have nine points I would like to make, very briefly. First of all, to paint a background, after the 2011 State election we reviewed all aspects of the election operation with a focus on how we can basically do things smarter. That is the way we operate after each major electoral event. We have identified major areas of risk in terms of service failure and we developed strategies on how to mitigate those risks to an acceptable level. Secondly, we have implemented or will implement all of the recommendations from the joint standing committee following your review and inquiry into the 2011 State election for which we have responsibility. There are some recommendations which were in the Government's court which we do not have responsibility for.

Our submission to this inquiry centres around two themes: first of all, our overall preparation for the election in March 2015; and, secondly, not surprisingly, any learnings that we may have taken from our Australian Electoral Commission colleagues service failure in the Senate count in Western Australia. We have put considerable effort into bolstering our processes around the security of ballot papers from what I would call printing to the count, a bit like from cradle to grave. Simon is certainly able to talk about any aspects of that. We have identified, and that has been reinforced by Mick Keelty's report, that one of the biggest risks around the movement of ballot papers is the handling of live ballot papers. We want to minimise the movement of live ballot papers and declaration envelopes that contain live ballot papers by, where legally possible, centralising more of the processes.

Centralising the processes allows for greater quality control, consistency in decision-making and minimising human error. Our focus in 2015 will be on enhanced quality controls, a structured program of system and process testing to reduce the likelihood of errors. Nevertheless, I have to say to the Committee that, as you know, elections are large-scale operations. We employ some 20,000 temporary staff to work on election day. The staff are not election professionals. They come with good hearts but they are not professionals. And they are the ones who are prone to making errors. We want to put more of the key decision-making in the direct control of the professional electoral staff, and we want to approach this by centralising more of the processes and using the temporary staff to do less of the complex decision-making processes and more of the routine processes.

So our view is that temporary staff can do simple processes many times but I think complex decision-making tasks are better left in the hands of the electoral professionals or at least under their direct supervision. I know that the major political parties appreciate that approach. While no election is free from risk or service failure, I believe that the controls we have put in place for the next New South Wales State election will give the Committee every confidence that the election will be regarded by our key stakeholders as having been conducted to the highest standard of professionalism and integrity.

CHAIR: As you know, since we last met there have been significant changes to things like the election funding process and expenditure and disclosures. How does that ongoing process affect your planning for the 2015 State election?

Mr BARRY: Funding and disclosure is a separate branch in the commission and it has its own director and resources. It does not directly impact upon the operational matters in planning associated with the election. It would be unfair if I did not observe that it is difficult—whether it is electoral law or funding and disclosure laws—when you get them changed at the eleventh hour because there is a lot of information that now has to be put into the public domain and into the domain of our key stakeholders regarding funding and disclosure. But I do not believe that will have any significant impact on the operations.

CHAIR: You note in your foreword to the submission on page 4 that you will be seeking supplementary funding from the State Government to minimise the risk of election failure. Have you received any assurances in terms of securing that funding from the Government?

Mr BARRY: No, I have not, and in fairness I have not made any submission to the Government at this stage. One of the challenges about running these large-scale events, it is a bit like the Commonwealth Games and the Olympic Games. You do not really know. The biggest cost associated with the election is the staffing. While we have very robust planning in place, the challenge is that you do not necessarily know how much you will spend until we get into March of next year. So in fairness to the Government, they have not been given any submission just yet. But they will get something asking for some supplementary funding to give effect to these additional security measures we want to put in place as a result of the Mick Keelty report and the learnings from the Western Australia election.

CHAIR: One of the things the Committee has not focused on in the past is SmartRoll. We have spoken about it but perhaps not in great detail. Do you have any concerns about the manner in which SmartRoll operates and any oversight when people are being placed on the roll automatically?

Mr BARRY: No. To tell you the truth I did not, and I did not ask Paul Beeren to come along. Paul is the Director of Enrolment. That process is working really well. We are changing something like 15,000 electors' enrolment every week.

CHAIR: Are you satisfied that it has been managed appropriately?

Mr BARRY: Yes I am.

CHAIR: Why?

Mr BARRY: We have a call centre of four people. We have minimal people ringing us and saying we have got something wrong. Since the commencement of SmartRoll we have touched over a million people. We have run quite a number of local government elections, including the 2012 general elections for councils, lots of parliamentary by-elections, lots of local government by-elections and the number of complaints are minimal, and I am talking count them on two hands. So we are not getting it wrong; we are getting it right.

CHAIR: Excellent. In relation to staff training and enrolment, I note in the Liberal Party submission comment was made around training and recruitment. What is the process for recruiting casual electoral staff? What training are they given prior to election day?

Mr BARRY: Can I ask Linda to comment on that?

CHAIR: Of course.

Ms FRANKLIN: Yes, we have quite a robust process in place in terms of recruitment and training of staff. For our senior election officials, they are all recruited based on a merit selection process through an application process. We do a big campaign to recruit senior election officials into what we call our eligibility pool. We have a pool of about 230 senior election officials that we draw on for various elections that occur, both the general elections and by-elections as well. But by being able to draw on that pool of people consistently they get more and more experience, obviously, in managing and conducting elections. We assess their performance every time they work with us. We also criminal record check them and reference check them as well. So we are very confident that that pool of people are able to do a good job in terms of conducting elections.

Mr ANDREW FRASER: What is your assessment process? How do you assess them?

Ms FRANKLIN: On their performance, do you mean?

Mr ANDREW FRASER: Yes?

Ms FRANKLIN: What we do is we actually inform them how we will assess them and we have a select criteria of various tasks that we are expecting them to perform at a certain level. We monitor that throughout the election process. We have a team of returning officer support officers through the election who sit with us in our office. They basically are the support group for the 93 ROs out across the State and they are continually monitoring their performance. So we are making those along the way and giving them feedback along the way with regards to the level of performance. After the election we do a complete performance assessment of those returning officers. We send that to them so that they can review it and we have a discussion with them if they disagree with any particular performance aspect. We have an appeal process in place for that. So that actually helps us understand where we might need to increase our training, whether or not somebody is suited to another role other than a senior election official. We then are able to assess whether to recruit those people again to conduct future elections for us.

CHAIR: Do those senior election officials train the polling clerks and similar positions across the State? Is that how it works?

Ms FRANKLIN: They do. We actually have a combined training program for the casual election staff, the 20,000 that work. Depending on the role that they are performing they either do both online training and a face-to-face training session and have manuals that they have to read. Through the online training program we have quizzes at the end where they actually have to undertake the quiz and we look at their scores. Again, they have to pass a certain level to get through and be recruited.

CHAIR: How do they get to that point? Can anyone apply to do that?

Ms FRANKLIN: Yes. We have what we call an expression of interest online. So people go on and apply. For those people that we have employed in the past, they will get a message to say that the EOI is open and inviting them to apply. Anybody can apply because the EOI is actually on our website.

Mr ANDREW FRASER: Do you have minimum qualifications?

Ms FRANKLIN: We do. We have a selection criteria. When they go onto the EOI it will ask them certain questions about their experience in the past, which will help us to evaluate whether or not they are suitable for the role that they are applying for.

CHAIR: Thank you very much for your answer. In relation to storage at Town Hall and other pre-poll booths—the Liberal Party noted this in its submission to the commission—you just made the point that with two weeks of pre-polling it is optimal to have some storage space rather than having volunteers pack things up every day and bring them back. Apparently Town Hall has been very difficult to deal with, in particular. Do you have any comment or can you provide any assistance in ensuring that people who are doing pre-polling have some space at polling booths to leave limited material there or is that an unreasonable request?

Ms FRANKLIN: Not at all. I might cross to Mr Brightwell to talk about Town Hall and I can talk about the other pre-polling arrangements.

Mr BRIGHTWELL: We actually ran Town Hall for the first time at the local government election but from a polling place perspective it is a similar operation for the State General Election. You might be aware that

the pre-poll we run typically out of the smaller room on the side and then in the last day or two before election day we actually move to what we call the lower Town Hall. The Town Hall itself provides, when you are in lower Town Hall, a secure room where only the commissioner has the key—they typically use it for other clients, for storing money and that sort of thing. We have a fairly high level of confidence in that security arrangement and we put all ballot boxes in that facility overnight.

As far as the open floor area in lower Town Hall, we secure the area and we have a security guard there post election night when we actually have got live ballot papers out for counting. For the Marconi Room, what we have done is used secure storage cabinets with locks on it where all the ballot boxes go in there overnight and the room itself is locked and there are the council's guards that monitor it 24/7.

CHAIR: So would candidates participating in the election be able to store material there?

Mr BRIGHTWELL: The actual canvassing? We have not had an arrangement—we have had what I might call informal arrangements. The Town Hall itself provided a room last time—I believe it was off the Marconi Room—and that was used by an arrangement with the particular parties and the council itself. That was probably not a great arrangement and it is something that we have to have a look at. We are in the midst of leasing the Town Hall again and we need to look at that again because what it means is that we have party officials accessing through polling places, areas close to polling places, and that proved unsatisfactory for some of the operational needs of the commission.

CHAIR: Do you think you could have a look at that?

Mr BRIGHTWELL: Sure.

CHAIR: I know that both sides of the major parties have elderly volunteers lugging equipment back and forth and it is very difficult.

Mr BRIGHTWELL: We certainly can. We have started a discussion about just exactly that point, those rooms, storage and security, so we will be mindful of that. If we can find an access point that is not common to the polling place, that would, I think, work quite well for all parties.

CHAIR: Ms Franklin, did you wish to add anything?

Ms FRANKLIN: For the pre-poll venues across the State, we are obviously in the hands of the market at the time because we have to short-term lease the properties for the pre-poll venues so we cannot ever guarantee that we will have a secure storage room within the facility that we can use. Obviously that is our priority; if we can find one, we will, and use that secure room with the key and the lock to secure the ballot papers. If we have not got a facility that has a secure room, what we will do is we have something called a ULD—I did not bring a picture but it is a very large, very secure box, if you like, where all the ballot papers will be stored inside and those ULDs will have security seals on them. We have a process in place for checking of those seals and so every night they will be put away and sealed and then the next morning we will check the seals, open them up again and use the ballot papers. That is the plan at the moment.

CHAIR: I have two more questions. In Alex Greenwich's submission, which is quite a good submission, he raised two points: first, that the Electoral Commission website needed to be smart phone and tablet friendly for younger people wanting to access voter information. The other issue he raised in his submission was in relation to the commission's engagement with youth. Would you, commissioner, or one of your staff, be able to comment on those two points raised in Mr Greenwich's submission?

Ms FRANKLIN: I can do that, if you like. We have actually just embarked upon a new advertising campaign for the election. The organisation that we are working with is very conscious—it has actually been part of our brief that we have to target particularly youth in the campaign, given that they are a demographic who are not so engaged with the electoral process. The campaign is very much focused around getting youth engaged. We have been looking at it and talking with them about how we use social media, particularly, to engage that particular group, and they are coming back to us with a proposal on how we will get that information out to that particular group.

CHAIR: What about young people? How is the commission looking at engaging more actively with youth voters in the run-up to the election?

Ms FRANKLIN: Through the social media engagement, through the advertising campaign in particular. I actually had a conversation this week about the smart phone and tablet so that our website is compatible with smart phones and tablets to enable young people to get the information they need.

CHAIR: If someone has a disability which would render them unable to vote, what is the process for that person being taken off the roll? I have had a situation in my electorate where somebody's daughter who has a severe disability received a fine for not voting. What is the process for having someone with a disability who should not be on the roll removed from the roll?

Mr BARRY: The challenge in all of this is that you have to treat each case on its particular circumstances. I am not particularly aware of the one in your electorate but I was aware of one on the Central Coast, or it might have been further up. Recently a member of Parliament wrote to us about a particular circumstance where a father was complaining because his son was put on the roll. I am not having a cheap go at our Australian Electoral Commission [AEC] colleagues, but they put the person on the roll. We did not put the person on the roll because we have very tight criteria around how we SmartRoll people. This particular person was not put on the roll by us; they were put on the roll by the AEC.

The matter was resolved in the end but the challenge in all of this is that we get conflicting messages. We get messages from parents of a disabled child, saying, "My son", or daughter, "does not understand and cannot vote." When we talk to the peak lobby group for disability, they say these people have rights and sometimes the parents interfere with the young person's rights, and it is easier because it is convenient for the parent, but taking them off the roll is not the right way to go. So we get a lot of pressure from the peak body that says, "Look, using heavy-handedness to take people off the roll on the basis of a parent jumping up and down is not right." I tend to agree. Under New South Wales law we can remove a person from the roll if the parent gets a medical certificate that states the person does not understand the nature of enrolment and voting. I think that is the safeguard.

CHAIR: If someone is issued with a fine and they could demonstrate that at the time, they would not be fined?

Mr BARRY: This fine business—we are not unreasonable people. All they need to do is write to us. A person with a disability might be good on one day and will be able to vote and on another day they might not be. All they need to do is write to us and tell us that.

CHAIR: That is fine. You have answered that question.

The Hon. PETER PRIMROSE: A couple of the questions that I had have already been covered. The secretariat has prepared excellent questions from your submissions.

CHAIR: I hope we have covered them.

The Hon. PETER PRIMROSE: It is still, nevertheless, worth visiting in detail. What arrangements and systems are in place to check the integrity of the electoral roll throughout the State and in each electorate? It has been raised many times. Can you run through the integrity of the roll and if there has been any enhancement since 2011?

Mr BARRY: SmartRoll brings a lot of that to the process. If I go back to the real past, the roll was maintained by doorknocking and it became stale very quickly. What we find now with SmartRoll is that people tell Roads and Maritime Services that they have changed their address. If they get pulled over by the police they want to make sure their driver's licence is right otherwise they will get a fine. Those processes actually put a lot of pressure and a lot of integrity around the information we get from Roads and Maritime Services. We get the information from there; we are told a person has moved. We contact the person and say, "We are going to do this. If this is correct, do nothing. If it is not, correct it and contact us." That process brings a lot of integrity to the roll.

We have changed one million people since SmartRoll has been going. There will be a little over five million voters at the next State election. Election day is always a major test of the roll. Whenever there is an election—whether it is a by-election or a local government election—if the roll has major problems, that is

where it all surfaces. We do not have any of that. As I said, I did not bring the director of enrolments along, but perhaps we could ask him to write a paper for the Committee on how the integrity of the roll is enhanced.

CHAIR: Members would appreciate that.

Mr BARRY: The integrity of the roll is a perennial issue. We know that members of Parliament, particularly lower House members, write to constituents and we know that sometimes the data provided by their party is not necessarily the most up to date. You write to people and you get letters back saying that that person has moved. We investigate and there is always an answer.

CHAIR: Would you take that as a question on notice and provide a supplementary submission?

Mr BARRY: I will.

The Hon. PETER PRIMROSE: This is another question that I have worked out in great detail. With regard to electronic marking, your submission notes that Professor Rodney Smith has concluded that this would be expensive and would have limited impact on multiple voting. Are there any measures that you think would be effective in preventing multiple voting, or is it really going to be a case of using a sledgehammer to crack a nut? What I am really asking is how big an issue is it? We have asked about this before. Given that it has been raised before, can you comment on how big a problem you believe multiple voting is in New South Wales?

Mr BARRY: There will always be instances of multiple voting. There are greater instances of apparent multiple voting than there is actual multiple voting. We know why there is apparent multiple voting—it is typically errors on the part of clerks marking the wrong names on the roll. Rodney Smith interviewed a number of members of Parliament to try to unearth the evidence and the issues. Is it anecdotal or is there real evidence? We know why there is apparent multiple voting. Of course, we also know that there are instances of real multiple voting. They typically involve elderly people who have a postal vote and then some good neighbour has taken them to the polling place on election day and they vote again. Do I think there is any significant issue? Absolutely not. When you have a system involving five million people voting, you will get instances of multiple voting. The question that needs to be asked is how significant is it and could it affect the result of an election. Rodney Smith's report deals with that issue.

The Hon. Dr PETER PHELPS: Is Rodney's report a public document?

Mr BARRY: Yes, it is. It is on our website. I gave the Committee a copy of it.

CHAIR: Thank you.

The Hon. Dr PETER PHELPS: You mentioned centralisation of counting. When you mentioned "centralisation" I heard 93 returning officers around the State shifting uneasily in their seats. What level of centralisation are you talking about for vote counting, particularly in relation to lower House seats?

Mr BARRY: Unlike our Federal colleagues, our 93 returning officers do not shift uncomfortably in their seats because their seats are not very permanent. Perhaps I could ask Simon to comment on what we are going to do.

Mr KWOK: The centralisation will be part of our initiative to minimise the movement of ballot papers, and Colin has outlined some of the reasons why we are implementing the centralisation initiative. In terms of the counting, the counting of the lower House ballot papers, the LA ballot papers, will continue to be processed at each of the 93 districts, but the centralisation we are talking about is that we want to minimise the movement of a lot of the declaration vote envelopes. Previously the returning officer would have to distribute the declaration vote envelopes, it gets sorted in the warehouse and gets distributed back to the returning officer's office, and some of them may have another electronic file but some of them may get mis-sorted. The intention in 2015 is that we will receive all declaration vote envelopes, process them and return the ballot papers to the respective returning officer's office for the final ballot count. So all the ballot papers for the lower House—for each of the districts—will be done in each of the respective districts.

The Hon. Dr PETER PHELPS: Just to clarify, there is no change in the way ordinary ballot papers for either the upper House or lower House are counted?

Mr KWOK: That is correct.

Mr BARRY: No change.

The Hon. Dr PETER PHELPS: The only difference is for declaration votes. Give me a practical example. If I make a declaration vote in Sydney for my electorate of Monaro—

Mr BARRY: I will walk you through a—

The Hon. Dr PETER PHELPS: —where does my vote go and who is touching it?

Mr BARRY: Let's start with the postal vote. Currently we mail out all the postal votes centrally. In the past they have gone back to the respective district returning officer. Now they will come back centrally to us—

The Hon. Dr PETER PHELPS: And be counted centrally?

Mr BARRY: No, they will come back to us centrally and we will mark them off the roll centrally. We will remove the ballot papers from the declaration envelopes centrally. We will return to the district returning officer those ballot papers that belong to the respective district and we will retain centrally the upper House ballot paper. The counting will take place centrally for the upper House and locally for the LA.

The Hon. Dr PETER PHELPS: That does not change the number of times things are handled; it is just handled one more time centrally and one less time locally?

Mr BARRY: What it changes is—in the case of the postal vote, it changes the movement of the LC ballot paper so it stays in the central place. Strangely enough that is the ballot paper that causes the most trouble in terms of missing. It is not the LA; it is more the LC one.

CHAIR: The LC usually causes the most trouble.

Mr BARRY: The LC is the one that causes us the most difficulty getting back.

The Hon. Dr PETER PHELPS: The difference is in New South Wales the loss of a single LA ballot paper has far greater effect than the loss of a single LC ballot paper.

Mr BARRY: We won't lose any ballot papers.

The Hon. Dr PETER PHELPS: Not every LC ballot paper counts—

Mr BARRY: Well, I can assure you—

The Hon. Dr PETER PHELPS: —as every LA ballot paper does.

Mr BARRY: One of the other challenges that went on in the past was with respect to absent votes—and that is the one that you describe. So you vote outside your district, the ballot paper is in an envelope, it goes back to the district returning officer where it was issued, they all get bundled together, they get sent to the warehouse in Sydney and then we do a great big washing machine exercise in sorting them all out. Then you get back ballot papers that are supposed to belong to your district. However, what we have found in the past are enormous amounts of mis-sorts. Those mis-sorts end up going back to the warehouse, getting resorted and getting sent out again.

Interestingly, if you follow the lifecycle of the upper House ballot paper, it went to the warehouse in its first dispatch then it went back to the Legislative Assembly returning officer and then it got sent back to the warehouse again. It visited the warehouse on one occasion in an envelope and went back to another returning officer and ended up coming back to the warehouse. We want to cut all of that out.

The Hon. Dr PETER PHELPS: What about declaration votes on the day—for example, if I have moved from East Queanbeyan to Jerrabomberra and it is not reported but I am living in Jerrabomberra and I do a declaration vote on the day. What happens to that? Does that stay in the electorate?

Mr BARRY: It will end up in the electorate where the vote belongs.

The Hon. Dr PETER PHELPS: So effectively there is no change?

Mr BARRY: No change, no. One of the greatest things about doing scrutiny centrally is the marking off and finding of people on the roll, because we can control the number of people in the central environment and have much greater supervision. As I said in my opening statement, we want to make the decision-making under the control of the electoral professionals, not devolving that decision-making to the 93 casual staff, the returning officers. They get overwhelmed with all the material they have to deal with.

The Hon. Dr PETER PHELPS: My final set of questions relates to advertising. Do you have a schedule for when you will start advertising for the election?

Ms FRANKLIN: Yes, we do. That is being worked through right now. Final dates have not yet been locked in.

The Hon. Dr PETER PHELPS: Are we talking about November, December or January?

Ms FRANKLIN: January, I believe, but I will take that on notice and check and come back to you.

The Hon. Dr PETER PHELPS: What is your likely spend at this stage?

Ms FRANKLIN: We have a range of advertising, obviously; both paid advertising, community advertising et cetera. The spend at the moment is around \$3 million.

The Hon. Dr PETER PHELPS: What proportion is TV?

Ms FRANKLIN: I might need to take that on notice.

The Hon. Dr PETER PHELPS: You can take that on notice. While you are at it, presumably your media buyer has given you an indication of the total audience rating points [TARTs] you are likely to get with that spend. Could you indicate what sort of TARTs you expect to get for the electronic media spend?

Ms FRANKLIN: Yes, could I come back to you?

The Hon. Dr PETER PHELPS: Yes, that is fine; I did not expect you to have that on hand. I must say \$3 million seems a little underweighted. Presumably you are relying on the piggyback effect of party advertising, but are you scraping the bottom of the hollow logs at the \$3 million point or is there a capacity to increase it?

Ms FRANKLIN: No, not at all actually. With the increase in the use of social media, particularly to target audiences, that is a much lower spend than in the past when we were relying on radio, TV and press.

The Hon. Dr PETER PHELPS: On that point, could I have the breakdown of TV, newspaper, radio, social media, if that is doable?

Ms FRANKLIN: Yes, certainly.

The Hon. Dr PETER PHELPS: There is one further question, but I appear to have forgotten it.

CHAIR: We can come back to you.

Mr ANDREW FRASER: Is it still a requirement for a polling official to initial the back of a ballot paper?

Mr BARRY: Not the back of it, no; the front.

Mr ANDREW FRASER: In two past elections I have expressed great concern that a large number of votes, one in Clarence and one in Dubbo, were not initialled. The then Deputy Electoral Commissioner, Mr Wasson, in both cases ruled the votes valid. In Dubbo there was a group of votes from Wellington that were

mislaid, and as far as I was concerned they were tampered with. I have colleagues who disagree with me, but would not a voter identity—

The Hon. TREVOR KHAN: He is pointing at me.

Mr ANDREW FRASER: The Hon. Trevor Khan and others, I think the Hon. Paul Lynch and the Hon. Peter Primrose are the same.

The Hon. Dr PETER PHELPS: I think most people disagree.

Mr ANDREW FRASER: Even my wife. Many do not agree with having a voter identification scheme. I know of one election, I cannot remember if it was State or Federal, where everyone was sent out a letter saying that they were on the roll. There was what I would consider to be a voter identification card attached. Do you have an opinion on the use of voter identification or on uninitialled ballot papers being included in the count?

Mr BARRY: We have to go back to the Act. Ballot papers that are not initialled are not of themselves ruled informal. So there is no legal basis for knocking them out. I do not want to comment on things that go back to the time of John Watson.

Mr ANDREW FRASER: No, I was just giving that as an example.

Mr BARRY: There is no evidence of the stuffing of ballot boxes; that is the first thing to observe. Elections in this country are conducted in a very public environment. The idea of people coming into a polling place and stuffing a whole lot of ballot papers into a ballot box is not feasible—it just does not happen. On the issue of voter identification, this issue gets raised at every post-election hearing. My view has not changed, in fact if anything it has been reinforced a little by what Rodney Smith had to say—that is, if you think there is a problem, voter identification at the point of voting is an option. But you have to identify what the problem is. Before you start shoving medicine into the patient, you want to understand what the patient is suffering from.

I made the observation that, first of all, voter identification is not going to be a big issue for young people; they carry identification with them all the time. If they go to a club or a pub, they have to have it. Politicians have to think about their constituents, and some of those elderly electors who are used to being able to turn up to a polling place and saying, "My name is Mary Smith and I live at such and such address." They have been doing that for the last 40 years, and now all of a sudden they are told that they have to produce some sort of voter identification. I am not sure that that is going to be very well accepted.

CHAIR: Mr Barry, let me interrupt you there. In the Stafford by-election in Queensland, where this was trialled for the first time, the Electoral Commissioner there reported only 200 section votes, which is the way that matter was dealt with. Perhaps your fears can be allayed by the fact that in the Queensland example there were very few instances where that was an issue.

Mr BARRY: Okay, I think we need to understand that electorate. I spoke to the Electoral Commissioner in Queensland about that. His observations and comments were as you said. But he certainly has a lot of fears about what will happen when it is rolled out on a statewide basis. He explained to me that that electorate is a fairly well-heeled electorate with very well-educated constituents. He said that he thinks there will be a lot of problems when it is rolled out across the State. Ultimately it is a political decision for government.

Mr ANDREW FRASER: I have a major concern, and this goes back in history but I do need to give you the example. At the end of the second day's counting in Grafton a group of 100 ballot papers which had not been accounted for was found. Not one of those papers had been initialled. It was an election that The Nationals lost by 143 votes. I took objection to those votes on the basis that the papers were not initialled. It comes back to the training of staff. In my opinion it is a fairly simple thing. It does not matter how busy polling booths are; people are dealt with one at a time. It is a fairly simple request—for the polling officials to initial every ballot paper.

It is a fairly simple opportunity for someone to slot in 100 ballot papers, because normally they go out in groups of 10 or 100 or whatever it is, onto the table which have arrived from nowhere and are not initialled. I would suggest that it does not count in a seat that is strongly one way or the other for the major parties but it does count in marginal seats where a busload of votes, as was once said by a Deputy Premier, decided the result

in a particular seat. I have concerns about the security of the vote that I cast. If I ever get a ballot paper in any election that is not initialled I ask them to initial it.

Mr BARRY: So you should.

The Hon. TREVOR KHAN: Does voter identification make any difference to box stuffing?

Mr ANDREW FRASER: I think the example given by the chairman in relation to Queensland says that you have claimed a vote legitimately. I know at that election when we got a piece of paper I took it with me, because I had been cut off the roll under the old system of someone knocking on the door and no-one is home so therefore you are not on the roll. I was the local member and I was off the Federal roll.

The Hon. PETER PRIMROSE: I am concerned that we are conflating two things. I wonder if you would agree that maybe there are two separate issues here.

Mr BARRY: There are. As to the issue about the stuffing of ballot boxes, it just cannot happen. Because of the way ballot papers are printed somebody would have to have knowledge of the print style and the layout.

Mr ANDREW FRASER: I am not saying they were not official papers; they were official papers. My finger is probably pointing at polling officials who had access to those papers.

Mr BARRY: Marking them and stuffing them in a ballot box? At the end of the night the whole thing would not add up. If you have 200 people who have gone through the polling place and you have 300 ballot papers it does not reconcile. So right at the very instance there you know there is a problem.

Mr JOHN SIDOTI: What stops someone from going to 22 booths and voting at all of them?

Mr BARRY: Nothing stops them doing it except at the end we identify the person.

The Hon. Dr PETER PHELPS: You identify that John Sidoti has voted 22 times and he gets a nasty letter from the electoral office.

Mr JOHN SIDOTI: Do you actively go looking for that?

Mr BARRY: Yes, we do.

The Hon. PETER PRIMROSE: It may be a mischief that is not occurring but it is raised routinely that someone may go to 22 booths and vote. What stops them from doing that? Can you comment on that?

Mr BARRY: What I can tell you is that I have been doing this for 25 years, so this will be the third election in New South Wales and there have been about five in Victoria. At the end of a State election we will always get instances of somebody multiple voting in the order of four, five or six times—and it will be one instance. There is a lot of apparent voting twice and I explained that before, but it will be one instance of multiple voting. In New South Wales there was one and I sent it off to the police and the police came back to me and said, "Colin, he's a nutter." What are you going to do with that? Prosecute? I had another instance where it was not a nutter; the person admitted that he had voted multiple times. I sent it to the Crown Solicitor. The Crown Solicitor said, "You can't prosecute this. Unless the person admits that they actually voted all you can prove at best is that they went and had their name marked off the roll."

The Hon. PETER PRIMROSE: This was one instance out of about five million?

Mr BARRY: One. I know it keeps coming up and that is why I got Rodney Smith to write this report to try to say, "Look, can we put a stake in the heart of this dragon because it just keeps coming up again and again?"

Mr JOHN SIDOTI: You have never had anything where an elector or voter has voted more than 10 or 15 times.

Mr BARRY: No, not in my time.

The Hon. TREVOR KHAN: Other than a black box.

CHAIR: That is not what is referred to in the commission.

Mr BARRY: I think we had enough trouble getting people to vote once.

Mr ANDREW FRASER: Your family is safe.

The Hon. TREVOR KHAN: The impression seems to be it is only on one side of politics that dirty politics is played. I think the one thing that we have learned in the past 12 months is that nobody's house is entirely clean.

CHAIR: As Tony Jones would say, I will take that as a comment. Commissioner, in relation to a matter I raised with you which goes to Mr Sidoti's point, if somebody was enrolling where clearly they do not live, you will recall I raised an issue in relation to a family member who had a letter turn up where someone had enrolled at their residence and they did not live there. What is the procedure when that is identified? How are you actively seeking to identify fraudulent enrolments?

Mr BARRY: I cannot remember all the circumstances about the one involving your family member, but I think we resolved it in the end to your satisfaction. I cannot remember what the outcome was.

CHAIR: We might talk about that offline.

Mr BARRY: Okay. I just do not recall. Look, there can always be fraudulent enrolment.

Mr ANDREW FRASER: Joe Moran.

Mr BARRY: There can always be fraudulent enrolment. It is a little bit harder now with the SmartRoll because we use the information from the RTA as the principal source of authority for the information. If people want to just enrol fraudulently, they can do it. They have to go out and fill out a form and send it in. If someone is so minded to do it, they can do it.

CHAIR: Ignore the circumstances in relation to my particular instance, but if it is identified, what is the process for investigation and removing that person from that address once it is identified? What is the process when it is drawn to your attention?

Mr BARRY: If we get any complaints about a possible fraudulent enrolment or where a person does not live at the address, we make inquiries. If we have found that the person is not at the address—and I think that was the case in your family member's circumstance—we took the person off the roll. I have the power just to remove them.

CHAIR: Is the person who lives at that property where there has been a claim of fraudulent enrolment advised that a person who is alleged to be living at their residence, as per the electoral roll, has been removed?

Mr BARRY: It depends on the circumstances. In the case of your family member, yes, I think Paul Beeren actually contacted your relative to find out a bit more about the circumstances. If I remember correctly, there were two. One of them was found to be correct but had moved on and the other one was—

CHAIR: Never there before.

Mr BARRY: No, had never been there and I cannot remember what the circumstances were, either.

CHAIR: That is perfectly fine.

Mr GREG APLIN: I want to follow Mr Fraser's question. Rather than identifying ballot-box stuffing I am more concerned about the training of the officers because we had evidence at the last Federal election where upwards of 20 ballots that had been completed correctly were disregarded because they were not initialled. Therefore, that is an issue that needs to be taken on board. I do not think it needs any comment. I just need to put it into perspective of training, enforcement and supervision.

Mr ANDREW FRASER: I agree.

Mr BARRY: I agree.

Mr GREG APLIN: I will follow a previous question. Obviously commissions react to either identified or perceived failings. The matter of Indi obviously has been taken up and referred to the Australian Federal Police [AFP] in relation to enrolments, but it goes further than the Chair's question. I think clarification is required, particularly for students, in the lead-up to our election. Do you have any comments on that?

Mr BARRY: Are you referring to the fact that students may have left the family farm and gone to Sydney?

Mr GREG APLIN: Correct, and there is the opportunity to distort that—as appears to have been the case with Indi.

Mr BARRY: In the case of students, my view on it is—first of all, come back to the SmartRoll thing—typically, where they got their driver's licence. Is that either in their student accommodation or on the family farm? Typically, it would be the family farm. That is where we would enrol them. However, if the student says, "Well, I am actually living in Chippendale and I want to be enrolled in Chippendale", we will change their enrolment to Chippendale. We have to be flexible. It is up to individuals to declare where they actually live. If you remember, there is a case now in the Court of Appeal, *Duffy v Da Rin*, in relation to a local government election where the court is saying, by and large, this is up to the individual to declare where in fact you want to be regarded as living for the purposes of enrolment.

The Hon. Dr PETER PHELPS: That is certainly the way the ACE has interpreted it by convention over the years. Your home is where you believe your home to be.

Mr BARRY: Absolutely, that is my view too. It is not for us to be sniffing and looking around in the windows of the homes of people to see if they are living there, how many nights a week and all the rest of it.

CHAIR: That is what I thought you did in your spare time, commissioner.

Mr BARRY: With my new powers that I have.

Mr GREG APLIN: That still does not answer the question of clarification, which is clearly the issue that is being investigated by the police at the Federal level or Indi. Will there be an opportunity to clarify that pre the election?

Mr BARRY: I am not sure. I do not think I understand the question.

Mr GREG APLIN: People often leave or alter their addresses in the lead-up to an election in order to swell numbers—that is the allegation. There is a belief that that is the case. There is also then a misunderstanding as to whether that is legal. You said that you would accept. But to what point? Is it legal up to one week before and it is changed back, and another week later another address? I am just trying to get some clarification.

Mr BARRY: You have got to remember that Indi is interesting because you are looking at it in a lens looking backwards. If I have got your enrolment and you said "I have moved from address A to address B" we take it on face value and change it. Bearing in mind in New South Wales, you can actually enrol to vote on the day, but you can't federally. So whatever you tell us, you are the person who is making the declaration. You tell us. If, after the event, someone says, "Hang on. This person has just moved there for the purposes of voting and then moved back." That is looking through the lens backwards in which case we would look at the circumstances and say, "Is this true or not?"

The Hon. Dr PETER PHELPS: There is also a statutory residency requirement for enrolment anyway, is there not?

Mr BARRY: How do you mean?

The Hon. Dr PETER PHELPS: Do you have to live at a certain location for a certain period of time?

Mr BARRY: That is right so you have to declare that. We have got to remember that we are not a police force. We rely on what people tell us and if people want to manipulate the voting system then they do it at their peril.

Mr GREG APLIN: There is also some genuine misunderstanding as a result of this particular case. That is the point I was raising. Is there going to be some clarification in order to allay those concerns?

Mr BARRY: Clarification in the sense of saying "Look, it's perfectly fine. You've moved address." At a certain point in time you can change your enrolment and then if your circumstances change and you change it back, that is perfectly in order.

Mr ANDREW FRASER: How much investigation by you or by your agents would go into a well-organised group of people transferring their vote into a marginal electorate, six, seven or eight weeks before but in reality if you looked at their circumstances they were probably buying their fuel and groceries in another area?

Mr JOHN SIDOTI: That is legal, is it not?

CHAIR: We will let the Commissioner answer the question.

Mr BARRY: There is the whole conspiracy theory around a bunch of people getting together, enrolling in a particular electorate to change the result of the election. That goes back to Rodney Smith. You have got to read what Rodney Smith actually wrote about all of this and the analysis that he did on State and Federal elections. It really is a good report because he points out, number one, there are not many people who are smart enough to organise the conspiracy. Number two, to actually affect the result of an election, you only know that an election is going to be close after the event. There are the Antony Greens and the Malcolm Mackerras' who have made a living out of trying to predict what the marginal seats are going to be and what the potential margins are going to be.

CHAIR: Antony Green is probably the stronger authority there.

Mr BARRY: I was struggling. My point is you gentlemen tell me which electorates at the next State election are going to be marginal and by how many votes. How many do you think you would need to muster to defraud the election? The answer is—I am sure you would know probably what the marginal seats are—as to how many votes it is going to be, I think you would be struggling. Then to organise a conspiracy, I would say "good luck".

Mr ANDREW FRASER: I hear what you are saying, but if we go back to a by-election for Port Stephens some years ago, where people were actually charged and acquitted—not so much acquitted but let off very lightly—they went there and changed their address. My attitude is—and you may regard it as a conspiracy—if there is one there are more, and the reality is that the polling that political parties do these days is pretty accurate.

CHAIR: The iron laws of mathematics.

Mr BARRY: That is fine. I do not dispute that.

Mr ANDREW FRASER: There are cases where, if you are looking at 0.3 of 1 per cent or something, you calculate what that is and you only need 50 per cent of that to change the result of the election.

Mr BARRY: I just want to direct you back to Rodney Smith. The interesting thing about it is that one of the observations he makes in the report is that, where there are allegations of multiple voting or fraudulent voting, it is typically not in marginal seats; it is typically in safe seats, and typically safe Labor seats.

The Hon. TREVOR KHAN: Commissioner, assume—my position has been disclosed on this—that one finds that half a dozen people are, in fact, enrolled on a vacant block of land in Dubbo, so it is evident that they cannot be resident there because it is just impossible.

The Hon. Dr PETER PHELPS: They could be if they are itinerant. We actually had this case in Queanbeyan: There were two people living on a vacant block of land and it was where a couple of local truckies slept when they were not on the road.

The Hon. TREVOR KHAN: Let us assume we have a clear case. What offence would a person be charged with?

Mr BARRY: Of?

The Hon. TREVOR KHAN: They have made a false declaration of residence; it is an open-and-shut case of a false declaration of residence. What is the offence that they are charged with?

Mr BARRY: I would have to take that on notice because making a false declaration on an enrolment is an offence.

The Hon. TREVOR KHAN: I hear that, but I want to know whether it is under the electoral Act or whether it is under the—

Mr BARRY: It would be under the electoral Act. It would be a pretty low offence.

The Hon. TREVOR KHAN: I have one final question, and it is an entirely different circumstance. Taking into account that we have some very large polling booths—and we talked about Sydney—and taking into account the heightened security circumstances that exist in Australia at the present time, what is your interaction with the police or the security services? Is there any interaction?

The Hon. PETER PRIMROSE: Point of order: I do not want to be funny about this, but maybe you wish to go into camera.

CHAIR: If you are requesting that, we can do it.

Mr BARRY: I am not going to tell you anything that needs to go into camera.

CHAIR: Do you want to proceed with the question?

The Hon. TREVOR KHAN: In a general sense.

CHAIR: I ask witnesses to leave the room because we need to have a deliberative to discuss this matter.

(Short adjournment)

CHAIR: I reopen the public hearing. The question is withdrawn.

The Hon. Dr PETER PHELPS: In relation to advertising, do you do any tracking during the campaign or post campaign analysis on the effectiveness of the advertising in terms of getting enrolments during that period of time?

Ms FRANKLIN: Yes, we will be doing some analysis on that, but it is very difficult to prevent directly the advertising campaign with those numbers, the reason being that there is so much other stuff in the media with regard to the election it is hard to pin that just purely on the election advertising campaign. There is lots of reporting in the media, other advertising going on et cetera so it is difficult to make that call.

The Hon. Dr PETER PHELPS: But there would be circumstantial evidence, for example, a spike in particular forms of advertising would see a boost in enrolments—

Ms FRANKLIN: Yes.

The Hon. Dr PETER PHELPS: —at a particular period of time. Certainly, the AEC has analysis of that in their advertising. Anyway, can you take it on notice?

Ms FRANKLIN: Yes.

CHAIR: I come back to some of the questions asked earlier. Commissioner, does it concern you that in this country it is more difficult to get a video card than it is to cast a vote in the future of our community, our State or our nation?

The Hon. Dr PETER PHELPS: If we had Netflix then we would not need to get a video card.

CHAIR: That is right.

Mr BARRY: No.

The Hon. TREVOR KHAN: It is a bit of a loaded question, is it not?

CHAIR: Of course it was.

The Hon. TREVOR KHAN: It is not going to change the vote.

Mr BARRY: No, it does not concern me. I think that the process in this country of enrolling and voting, the integrity of our electoral system, notwithstanding the hiccup in Western Australia—I mean, this is where other countries come to look at how we do things. I do not think it is a concern.

CHAIR: Former Premier O'Farrell and Premier Baird have suggested that the Government would like to proceed with electronic mark-off as a means of ensuring beyond any doubt that the outcome is as it should be. Do you have any objection so long as resources are appropriately provided?

Mr BARRY: The short answer to that is no, I do not have any objections. It will be interesting to see. Victoria is doing a further trial of electronic mark-off at their election in November. Queensland is doing a trial not whole-of-State but a trial of electronic mark-off. I think the question always comes back: What are we trying to do? This is the medicine but what is wrong with the patient? What are we trying to correct? I am not against the idea of reorganising the flow of voting in a polling place and having electronic mark-off. We actually do some stuff at the Sydney Town Hall, which is good, and at pre-poll.

CHAIR: I put to you that it is hard to diagnose when they would discuss the fact that ballot papers do not necessarily need to be signed. It is hard to diagnose when there is potentially human error. There are a number of things that do leave open questions. Is the integrity of our democratic system—

The Hon. TREVOR KHAN: How would electronic mark-off affect whether somebody is electronically marked off?

CHAIR: Sorry?

The Hon. TREVOR KHAN: How would electronically marking off affect whether a ballot paper is signed, for instance? What is the connection between the two?

CHAIR: I am talking about the integrity of the system in terms of ensuring that a person has been voting once and not more than on one occasion.

The Hon. TREVOR KHAN: That is fine if you talk about that, but if what you are putting and using as an example the failure to initial a ballot paper, you are talking about two entirely different things.

CHAIR: I withdraw the question. Given the fact that there is room for human error in some respects, as there would be in any system around the country, do you think that electronic mark-off, combined with voter ID, would put any questions that people might raise beyond doubt?

The Hon. Dr PETER PHELPS: But who is marking them off electronically? A human, so a human is just as likely to make a mistake.

CHAIR: I think we will let the commissioner answer the question.

Mr BARRY: I like the idea of using technology to minimise human error. I am not against electronic mark-off at all. I want to see what happens in Victoria and Queensland. Queensland will be very interesting because you have the whole-of-State proof of identity. Again, I said to former Premier O'Farrell, "Look, I am personally not against it at all." I think the risk for government is that—on the one hand Peter is asking questions about advertising and wanting to get people out to vote, which is all very good. We have to be careful that we then do not put in place other processes that will mitigate against people getting out and voting. What is the purpose of it? I think that is the question you have to ask. What is the problem that we are trying to address? Is it a perceived problem of impersonation?

Mr ANDREW FRASER: It could be a perceived problem of security of your vote.

Mr BARRY: The security of the vote is a completely different thing, I think. Elections in this country are conducted in a very public environment. If you go into a polling place on election day and try to stuff a ballot box, I just think it is impossible. Impersonation of people, yes that can happen. You can go into a polling place and say, "Well, I'm Andrew Fraser" and get your name marked off the roll when you are Colin Barry. That is perfectly possible. The trouble is then when Andrew Fraser does come into the polling place and vote, they say, "Oh, you've already voted." "No." We have processes to deal with that. No-one is denied a vote, but you can get impersonation.

All of these things, I think, are at the real, real edge of the bell curve of the integrity of our system. If we are going to put in place more onerous processes for the elector to deal with these things that are right on the edge, I think we run the risk of affecting the people who are in the bulk of the bell curve. That would be my comment about it. But I am not against electronic mark-off as long as we can make it work. We sort of have forms of it now because when you get a pre-poll vote, you are electronically marked off.

CHAIR: Earlier you mentioned the printing of ballot papers. I hope no-one takes issue with this question.

The Hon. TREVOR KHAN: That's directed at me.

CHAIR: No, it was not actually. Australian Paper in the Shoalhaven produces a security paper. Is that from where you source your ballot papers?

Mr BARRY: I will ask Simon to answer that.

Mr KWOK: We engage a printer. The sourcing of the paper like that is done through the actual printer themselves. The printer is Blue Star, which is an Australian company. I am of the understanding that the paper is Australian, but I cannot be specific. I can certainly get back to you.

CHAIR: I ask you to take that on notice. This morning a constituent raised with me the problem of disability parking at polling booths. Do we not ensure at all polling booths that there is disability parking?

Mr BARRY: Wherever we can, yes.

Mr ANDREW FRASER: Within reason.

The Hon. Dr PETER PHELPS: Where is disability parking at Town Hall?

Mr BARRY: Yes.

Mr ANDREW FRASER: What is your point?

Mr BARRY: Bearing in mind we do not own the polling places, we try to use polling places where there are all these facilities for disabled people but it is just not possible in every case.

CHAIR: When you search for facilities, is that one of the key criteria?

Mr BARRY: Yes it is.

The Hon. Dr PETER PHELPS: I understand you will data entry the LA ballot papers?

Mr BARRY: Yes, I am glad you asked me about that.

The Hon. Dr PETER PHELPS: What is the point of doing that? There is only one electorate where it is likely to matter and that is Balmain. Does anyone here think Penny Sharpe is not going to win Newtown? No? One electorate in all of New South Wales where the utility of the data entry of LA ballot papers is going to matter, and that is Balmain; why is the commission spending money on that for the sake of getting a quicker result out of Balmain?

Mr BARRY: It is not about Balmain. After the election you would be surprised at the number of people who make various requests of us for information regarding the preference votes.

The Hon. Dr PETER PHELPS: I can think of one person.

Mr BARRY: There are lots of them. We have even had, not at a State election but a local government election, where a person has actually gone off to court wanting to get access to the ballot papers to do their own preference analysis. I think we were very lucky in that case because we came to an arrangement with the person but we were not confident that we would even win in the court.

The Hon. Dr PETER PHELPS: How much is it costing?

Mr BARRY: Not a lot. In actual fact it might be actually less than the manual count because often we get cases where they have done a manual count and things do not quite add up at the end.

The Hon. Dr PETER PHELPS: Are we not doing a manual count on the night?

Mr BARRY: Yes, on the night we do, but afterwards the people who do those preference allocations, we often get them doing them twice because they got it wrong the first time. It is just the inefficiency of it. The data entry—it puts the whole thing beyond doubt. "There's the result; there's the data" and the political parties, I think, will love it.

The Hon. Dr PETER PHELPS: Is it going to have the same 2I standard?

Mr BARRY: Double data entry?

The Hon. Dr PETER PHELPS: Yes, that what's its name has?

Mr BARRY: No, single data entry; you do not need to.

Mr ANDREW FRASER: I can say that in 2003 the result that is recorded in the Coffs Harbour electorate is not correct because on the night the returning officer declared one candidate, the Independent candidate, as the comparable candidate and when the check count was done, it should have been the other way around by 14 votes, so therefore the end two-party preferred vote is incorrect.

The Hon. Dr PETER PHELPS: Yes, but the problem is that the same thing will happen because the DAs only happen after the fact. If it is not costing you too much money, then I am happy to make academics happy; as long as it is not costing you too much money.

Mr BARRY: Actually, interestingly it is not so much academics, it is political parties.

Mr ANDREW FRASER: Exactly.

Mr BARRY: You use the case of Balmain. Balmain was the classic at the last election but I get these requests after every election: Can we understand the preference vote? "Why didn't you do the two-candidate preferred count for me? Why didn't you do it to me?"

The Hon. Dr PETER PHELPS: Because you are from the CEC and you are probably not likely to be helpful.

Mr BARRY: I am a little bit more diplomatic.

The Hon. PETER PRIMROSE: Just before we finish on electronic mark-offs, in relation to, say, Queensland—and I know you have mentioned Victoria is proposing to do a series of trials—what sort of time frame is required to put something like that in place by an Electoral Commission? I am thinking about the processes, the guidelines and the training?

Mr BARRY: If we are talking about rolling it out for the whole State, then there is a resourcing issue. Mr Brightwell can comment about the technology side of it.

Mr BRIGHTWELL: We are talking about electronic mark-off in 2,500 polling places. One of the challenges is not even so much setting it up and getting it going for an election; it is that you actually have to put out roughly about 10,000 devices. That is how many certified lists we have. Now 10,000 devices—if you asked me about the last election I would have said they were probably laptops. This election and forward you are probably looking at a tablet but almost certainly those devices will be, by the time of the next election—

The Hon. Dr PETER PHELPS: Obsolete.

Mr BRIGHTWELL: Obsolete.

The Hon. Dr PETER PHELPS: That is the whole problem; technology always overtakes.

Mr BRIGHTWELL: So there is one challenge, but you then have a disposal challenge to get the economics right. Following that you also have another challenge, which is that a lot of polling places, you would be well aware, in themselves are not particularly well set up with electricity, power cords, all the other bits involved. We can do it with portable devices but we have to do things like charging them in a corner and bringing them back—that sort of thing. We certainly cannot set up in 2,500 polling places laptops with appropriate power to all the desktops. That would be inconceivable. We are just in that cusp of a situation where we are probably viable to look at electronic devices for mark-off at an effective cost but we have got a lot of challenges—source and disposal and the economics of running it sensibly. However, it does have a lot of advantages. At the point of reconciliation on election day you will get at the end of the day in the polling place a very accurate figure.

Mr BARRY: It strikes me that the 2019 election is when we could really have a good go at it, not this one.

CHAIR: We are quickly losing the quorum. I have one question. Commissioner, does the Act still require you to keep the paper rolls at your headquarters after each election, a copy of the roll that was used on election day?

Mr BARRY: Yes, we do. We have a copy of the printed roll in the commission that people can inspect.

CHAIR: Do you think that is arcane?

Mr BARRY: Yes.

CHAIR: Should we remove that requirement?

Mr BARRY: Yes.

CHAIR: There was some information that was dealt with by the Federal Joint Standing Committee into Electoral Matters in relation to silent voters. Have you seen that information?

Mr BARRY: What aspect of it?

CHAIR: The fact that they are on those rolls at your office and if people were looking for certain people, certain addresses, they could inspect those rolls and find the silent voters.

Mr BARRY: You have asked me two questions to which I have answered "yes", particularly do I think it is arcane. I do think it is arcane. In fact, one of the provisions in the electoral bill that has been drafted that has not been introduced into Parliament is to basically remove all of that.

CHAIR: We might have a look at that as a recommendation. There are no more questions from members of the Committee. Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and may be made public. Would you be happy to provide a written reply to any further questions?

Mr BARRY: Yes, we will.

CHAIR: Would you be happy for your submission that was tabled today to form part of your evidence?

Mr BARRY: Yes.

CHAIR: Thank you very much. That concludes our evidence for today. Thank you everyone for attending.

(The witnesses withdrew)

The Committee adjourned at 10.44 a.m.
