



# ***LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE***

## **Members present:**

Mr PS Russo MP (Chair)  
Mr JP Lister MP (via teleconference)  
Mr SSJ Andrew MP (via teleconference)  
Mrs LJ Gerber MP (via teleconference)  
Mrs MF McMahon MP  
Ms CP McMillan MP (via teleconference)

## **Staff present:**

Ms R Easten (Committee Secretary)  
Ms M Westcott (Assistant Committee Secretary)

## **PUBLIC HEARING—INQUIRY INTO THE ELECTORAL COMMISSION OF QUEENSLAND'S ONLINE PUBLICATION OF THE PRELIMINARY AND FORMAL COUNTS OF VOTES CAST IN THE LOCAL GOVERNMENT ELECTIONS AND STATE BY-ELECTIONS HELD ON 28 MARCH 2020**

## **TRANSCRIPT OF PROCEEDINGS**

**FRIDAY, 15 MAY 2020**

**Brisbane**

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**The committee met at 10.02 am.**

**CHAIR:** Good morning. I declare open the public hearing for the committee's inquiry into the Electoral Commission of Queensland's online publication of the preliminary and formal counts of votes cast in the 2020 quadrennial local government elections and the Bundamba and Currumbin state by-elections held on 28 March 2020. My name is Peter Russo. I am the member for Toohey and chair of the committee. With me here today are: James Lister, the member for Southern Downs and deputy chair; Melissa McMahon, the member for Macalister; Corrine McMillan, the member for Mansfield; Stephen Andrew, the member for Mirani; and Laura Gerber, the member for Currumbin.

On 22 April 2020 the Hon. Yvette D'Ath MP, Attorney-General and Minister for Justice, referred the inquiry to the committee for examination, with a reporting date of 2 June 2020. The purpose of the hearing today is to hear evidence from stakeholders to assist the committee with its examination of the inquiry. Only the committee and invited witnesses may participate. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the standing rules and orders of parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. The program for today is available on the committee's webpage. I ask members and witnesses to turn their mobile phones to silent mode so as to not interfere with the broadcast.

### **GREEN, Mr Antony, Election Analyst (via teleconference)**

**CHAIR:** I now welcome Antony Green. Good morning. I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Mr Green:** Thank for the opportunity to make a submission and appear. I will be very brief. The main concerns I had with the way everything worked was that, given the coronavirus rules on scrutineer access, the publication of results on the website and in electronic feed was even more important than it normally is. It was the only opportunity most scrutineers, most candidates and the public had to look at results. The failure to deliver that on the night created even more confusion than what was going on because of the lack of scrutineering. Clearly, the Electoral Commission, which was updating its new election management system, had got behind and had difficulties, as it has explained in its submission, with the results reporting and publication system. My main concern is to ensure that that is ready and working for the state election. It clearly was not for the local government elections.

The failure to deliver set-up files and to have locked down exactly what the format was beforehand meant that we were, right up until the day, unsure whether we would receive a feed and whether we could process it. Not seeing the feed until the election came around meant that we were still altering the feed in the week after the election when we were trying to process a post-election feed. My biggest concern is, mainly from a media point of view and publication point of view, to ensure we get this right for the state election later this year.

**CHAIR:** Are you confident it will be right for the state election later this year?

**Mr Green:** I think so. There are a lot of technical bits and pieces to do with the feeds and the way information was provided in it which we are taking up directly with the Electoral Commission to try to negotiate a few things—a colleague at Channel 9 and I to have the same discussion. The main thing we want to make sure of is that we have set-up files beforehand so we can create our databases to feed the results into. We did not have that for the local government elections. I am confident that we will get that for the state election. We have to ensure that we see testing done and we see files beforehand. We could not get hold of data tests and set-up files beforehand. That has to be available for the state election.

I gather that the results and reporting was the biggest failure of their new system. That is clearly what they have to put the time and effort into. They have set a schedule in their response to you and in their submission. We hope they keep to that format. With some discussions, I hope they can deliver that. If the other parts of their system were working well then this should, in the end, be the easier part to deliver. The much harder part is when you are trying to train staff to use a new system. If they managed to implement that well for the local government elections they should be in a better position for the state election.

**CHAIR:** James, do you have a question?

**Mr LISTER:** Yes, thank you, Mr Chair.

**CHAIR:** I think we lost James. We will pass over to Melissa to ask the next question.

**Mrs McMAHON:** In your submission at point 10 you made reference to the fact that in the event that some of that data was not available you were sourcing more up-to-date figures from scrutineers. Is that something you would normally do during an election night count?

**Mr Green:** I did not use the scrutineer figures on election night. That is not something I can use. I was using them in the post-election period. In the case of Currumbin, we were able to get from Labor Party scrutineers some estimates of preferences. We did not have actual preference counts. I was using that to get a better prediction of what the final figure would be. That worked quite well. The scrutineers' figures were very accurate when compared to what we eventually got from the commission.

I was doing Brisbane City Council. Given they did not do any preference counts and because there were delays—we were only getting two updates a day and postal votes reporting seemed to be a bit erratic in terms of getting into their system—I was updating the system manually because I could get a couple of hours ahead of the commission. What we were getting from the commission was a bit erratic.

I certainly would not normally do that. I would not use scrutineers to get first preference figures. I would rely on the commission for that, but what they were reporting was erratic. I now understand some of the difficulties they had. I now understand it was a standalone system. They were having difficulties getting the verification against their election management system. I understand some of the problems they had now.

We have an election system which allows us to do things like latest figures. It is very easy for people to use our feed and know what has changed since the last time they looked at the page. It was very frustrating then when we could only get figures once or twice a day. The whole advantage we have in being able to tell people that the figures have changed in the last hour we did not have, because we were not getting any figures from the Electoral Commission because they were not publishing.

My main concern is with the post-election period. On election night we expect figures between every two to five minutes. That is the standard around the country. In the post-election period we normally expect the AEC to give us updates every 15 minutes. In some other states it is once an hour. We would expect something like that. The once or twice a day, which was occurring at the local government elections, was not good enough. We have used scrutineer figures in the past if we have not got a preference count to provide a better estimate. We have regularly done it in Queensland, where they do not always do post-election night indicative preference counts.

**Mrs McMAHON:** Looking to what may potentially unfold in October this year in Queensland come the state election, what suggestions would you make to the committee and to the commission about how they might be able to conduct scrutineering on the night in booths while still observing social distancing? Should we perhaps consider a model such as the one used in Ireland, where the results are securely locked and transported on the night and then counted in daylight the following day in larger venues meaning we could have social distancing, unlike the situation in school halls and whatnot where we currently do the counting?

**Mr Green:** Hopefully we have some lifting of some of the social restrictions by then. There was no informal way to get scrutineers' figures from the two by-elections for the parties until they lifted the rules a bit later in the evening. If they are not going to allow scrutineers to watch, there needs to be more care put into ensuring the scrutineers get at least the totals at the end of the night. The figures have to be made available to scrutineers at the count as well as be reported through their network.

The Irish got that system from the English. There are not many countries in the world that do not count in polling places on the night. At least doing that count on the night ensures this is how many ballot papers we have. With scrutineering, the heavier scrutineering goes on in the post-election period once everyone knows what the close seats are.

I would hope that there will be, if not at least scrutineering come the state election, a bit more freedom in making sure scrutineers get the figures from the count. If they just seal the ballot boxes and put the papers in them, it is going to be a very slow release of the count the next day. If you have no figures on the night and everything has to be done in the post-election period, it is going to be a very slow count.

**Mr LISTER:** Thank you very much for your submission and for joining us on the teleconference. Is it the case that you have worked for the ABC for over 30 years and have covered about 60 elections in that period?

**Mr Green:** Maybe about 80 by now.

**Mr LISTER:** Have you experienced IT failures of this magnitude in other jurisdictions?

**Mr Green:** We have had difficulties occasionally. For a long time we have not had one as bad as the local government election here. There were problems with the local government election in 2016. That was entirely to do with denial-of-service attack software blocking people from using their website. That was a relatively simple thing to fix once they knew what the problem was. This is the biggest failure. I have not done an election like this for a long time. I would have to be thinking back 25 years to find the last time I did not get results on a regular basis on the night.

**Mrs GERBER:** At paragraph 8 of your submission you talk about the results feed having a number of faults that required the ABC to rewrite its software to work around the problem. Can you identify whether this came at a cost to the ABC?

**Mr Green:** There was someone who was appointed to work on this project. He was just making sure the computer systems worked. There was a cost in that he had to spend time working on that rather than some other project. Some of the problems that we had were just relatively basic things that should have been sorted out with proper testing beforehand. In the feed, instead of a number you were getting a blank field or a character or a letter, and that was unreadable for someone expecting a number. There were things like that we had to work around. Polling place IDs appeared which had not been there beforehand. It had been unclear whether some votes were not counted in the preliminary count and they were only counted in the check count afterwards. I could not get an answer beforehand about that and we were having to try to work that out.

The biggest difficulty we had with the feed—and I mentioned it in one of the later points in paragraph 18—was that the commission was releasing two sets of figures: a preliminary count and a check count. To get an accurate count of what is the best current position, we could not use either of those. I do not think it is the correct way to report numbers. We read in all the preliminary counts, we then read the check counts and replaced the preliminary count for a check count that had been done, and then we added up the totals to get what we thought was the best total. In other states, they do not provide two sets of numbers. They do the substitution of the check count for the preliminary count and provide one total. We have never worked with a feed like that and we had to do quite a bit of work to read that feed because it was so different from what has been provided previously. We have never had to deal with these two sets of counts before. That was for me the biggest problem.

One of the reasons we did the local government elections is that we understand that is what they want to use later this year, and we have written code now to try to resolve that. We were still bug checking it afterwards. It is a rather complex feed and I am still not sure why they want to provide two sets of totals. Having a preliminary count and a check count might be useful for audit purposes but I am not sure it helps an average person understand what the current total is.

**Mrs GERBER:** Mr Green, referring to your submission again, you say that you have discussed with ECQ the need for there to be proper tests with the media to verify that systems work. Has the ECQ given you any assurance that this will occur in the lead-up to the October election?

**Mr Green:** Yes, they have assured us there will be proper tests next time. They explained in their submission how they were changing the software quite late. There has to be proper tests; there just has to be. There has to be a good system test well ahead of the election. It is pretty normal around the country that once a feed is established we always do a full system test about a week before the election.

There is one other thing. I mentioned in paragraph 18 about this second count. Paragraph 19 also mentioned the preference information. The commission are intending to capture a lot of information about preferences on the night. I am again talking to them about that, because I am not sure they can capture all the information they are intending to capture. If they cannot capture it, we may not get preference counts on the night. That was a weakness, as Mrs Gerber would understand. We did not get preference counts on the night in Currumbin. We did not actually get them for a day or two afterwards. That is why I had to resort to tapping into scrutineers' figures. It is important we get preference counts, because that is the thing that tells us who has won in situations.

I will have ongoing discussions with the Electoral Commission. It is an important part of the count. Sometimes people do not understand how important that is for people—particularly with the elections on 28 March, because there were not scrutineers who could actually see those figures or calculate their own numbers. Without those figures being delivered on election night, nobody had the faintest idea what was going on in those results and it is very important. I do not have a written assurance out of the Electoral Commission, but they have assured us there will be tests for the state election. There has to be. You cannot run a new feed like this and a new system and expect national

media to be reading a feed and understanding the results. They have to be able to publish the website, they have to be able to publish the data feed and they have to ensure beforehand that the format is locked down and the result has been tested.

**Mrs McMAHON:** Having followed many of the elections that you have covered, I know that you are famous for implementing an election night system of not merely comparing early swings in electorates but also cross-matching the booth-on-booth figures from one election to the next. You mentioned in paragraphs 8 and 10 some workarounds that you had to develop and implement for this last election given the data out of the ECQ. Could you please expand on what workarounds you did utilise? What lessons do they give for the coming 2020 state election and the ECQ's role in providing data to the media and the public more generally?

**Mr Green:** To do what we do, we get a feed of votes from a commission. We set up all the history in our database, and when the feed comes to us we have to know, for example, these five polling places are in and this is the history in the same five polling places, and this gives us an accurate swing to make a prediction. That is the sort of thing that your party scrutineers do on bits of paper and spreadsheets. We try to do that automated on election night.

To do that, we have to have things locked down before. We have to know the ballot positions of the candidates. We certainly have to agree on what is being counted on election night. We had the same problem in 2017 which the Electoral Commission is currently trying to work around. If you remember in 2017, every electorate had 180 polling places because every returning officer in every district was set up as an absent vote booth and a pre-poll vote booth and no-one could tell us what was actually being counted on the night. We need to know on the night what is being counted so we know what we are expecting to see. That failed badly in 2017. The commission was trying to get that right this time and then many other things intruded.

I still want to know what the commission is counting as a total on the night. If you have a declared polling place in somewhere like Mackay—which can take votes for every district—we want to know on an election night what counts are voted there. They might count the votes from Mackay, Whitsunday and Mirani but they are not going to count the other 90 districts. That is the sort of information I am after and that is the sort of thing we are still trying to negotiate over. I think the commission did a much better job this time in defining for us what was being used on election night. I still think they have problems and we will go into that.

We try to get things like 'Are you using this polling place as a declared external polling place for another district or not?' There are things like that where we need to clarify exactly what they will be counting on the night. They give us lists of polling places but sometimes those polling places are used for more than one district. I had some miscommunication problems for the local government elections about whether some of their polling places were used in more than one district and whether they were going to be used for counting on the night. To some extent, I was talking to their technical people and their technical people did not always know an answer to that. If you are counting in a polling place, it is not the technical people who know the answer to that. There was miscommunication.

To be honest, I did not push too hard with the commission in the last 10 days for the local government elections for answers on some of those things because I think, quite clearly, they were completely harried by trying to put in the COVID-19 restrictions and there were some polling places that ended up not being used for health reasons. To some extent, I did not push hard enough for some of the answers to those questions because I knew how snowed under they were. In terms of just the technical issues of the feed, it was late defined, it was not tested beforehand—that needs to be fixed for the general election—and I need to have further discussions with the commission so that I have a better idea of what is being counted on the night.

For the Brisbane City Council elections, I actually rang the LNP people to find out what they had been told was counted on the night. In the case of Currumbin, I rang the Labor Party's chief organiser down there to find out what was being counted on the night, because I know candidates get told what is being counted a little more thoroughly than the media. To be honest, that information is of no meaning to most of the media, but for someone like me trying to run a computer system I need to know that information. There were miscommunications and there were technical issues going on at the same time. It was a very difficult environment to conduct the elections in. I think the main thing to come out of these elections—and I hope this committee looks at this in its findings—is to get a proper set of recommendations about how to do the state election later this year.

**CHAIR:** That brings to a conclusion this part of the hearing. I thank you for your attendance and for your written submission.

**Mr Green:** Thank you.

**AWABDY, Ms Angela, State Secretary, Liberal National Party of Queensland (via teleconference)**

**THOMPSON, Mr Brodie, Deputy Campaign Director, Liberal National Party of Queensland (via teleconference)**

**CHAIR:** I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Mr Thompson:** Thank you for the opportunity to speak to the committee today. Noting the limited terms of reference of the inquiry, there is not much we can add about the technical aspects of the ECQ's failure to publish election night results online, except that they obviously failed to do so. The ECQ have to answer for that failure and address in detail the technical aspects. With respect to the post-election resumption of the preliminary count and the official count, results trickled in at a very slow pace and there continued to be a latency in the ECQ's reporting of results and confusion among candidates and returning officers about the conduct of the count, including when they would resume and if and when official preference distributions would be conducted.

The ECQ's technical failure to report should not be treated as a discrete issue. There were a succession of failures in the lead-up to election night that contributed to the criticism felt by the ECQ in the media, public and parties. This reflected poorly on the competency of the ECQ. The ECQ's failure was felt more acutely because of the ECQ's direction to effectively ban scrutineers from being present at the preliminary count for everything bar the opening of the ballot boxes at the conclusion of polling day and the resealing of the ballot boxes at the conclusion of the sorting at whatever stage of the preliminary count they reached on election night.

The LNP cannot emphasise enough the importance of scrutineers and just how extraordinary the ECQ's direction of 26 March was in that respect. Scrutineers, first and foremost, give an election actual and perceived accountability and transparency. Scrutineers do not direct the conduct of the election or the counting of ballots—that is the role of returning officers and their staff—but they supervise the count on behalf of their candidates and ensure that proper process is adhered to. Scrutineers play a secondary role, which is to inform their parties, and the parties in turn the media, about the progress of the count. Scrutineers' engagement with their parties remains critical. They record their own tallies of the count, reconcile them with those taken by the ECQ and convey their tallies to the parties. The role parties play in conveying results to the media has become less critical in recent elections with the media obtaining the results directly from the electoral commissions in real time. However, with the ECQ's failure to report results at this election, that role became critical once again.

The ECQ recognised this late on election night, when they were criticised in the media for their failure to report results. They contacted our state secretary sometime after 9 pm to invite scrutineers to return to the booths for several minutes to effectively check in, observe the count and record tallies. It would be a mistake for the ECQ to focus on their failure to accurately report results as a technical failure alone. It was a failure to engage with the parties and respect their important role and a failure to think critically about their own limitations insofar as their capacity to conduct an election without any external supervision. Thank you.

**Mr LISTER:** I note in your oral submission just then and also in the party's written submission that you are critical of the ECQ's interactions with the LNP, and presumably other parties, and you express a desire to discuss with them the interpretation of the health directive regarding the presence of scrutineers. Given that the scrutineers were ultimately allowed in, do you feel therefore there could have been a reasonable discussion on the matter of the ECQ's interpretation of the direction? Are you satisfied with the ECQ's general respect of the parties and communication on the night and after that?

**Mr Thompson:** Of course there could have been. That was what we were trying to reach with the ECQ in attempting to convene a joint meeting with the parties in the days preceding election day. As we pointed out in our written submission, the campaign director contacted a senior officer in the ECQ, but the response from the officer did not engage with the request from the campaign director. Subsequently our state secretary, who is here now, Angela, also attempted to organise a meeting with the commission on the morning of 27 March. The state director wrote to the commissioner on 27 March. The commissioner replied late in the afternoon before election day. They reiterated their reasons for the direction, but they did not engage with any proposals that we put, including that there was no reason why one scrutineer per party could not be present in the booth who would maintain social distancing. The ECQ also failed to entertain the possibility of the use of audiovisual equipment which they had the power to do in these circumstances. It was really those failures to engage with the party when they

were invited to and when we urged them to that culminated in what was pretty sharp criticism on election night when it became evident that the ECQ alone was unable to conduct the election, count the votes and report the results to the public.

**Mrs McMAHON:** Talking about the data and results that were conveyed online, in your submission you make reference to only a very small portion of the votes being counted on the night being put on their website, but then in some booths they were seemingly published but then withdrawn. Were you able to ascertain what had happened in those particular booths with that data?

**Mr Thompson:** No, we did not. That might be something to put to the ECQ. On election night—the other parties observed a similar situation; we were all looking at the same feed—results came in. A portion of the electorate was reported as having been received and counted and then it would drop down. It might have reached 10 per cent but then dropped back down into the single digits. I cannot point to any Brisbane City Council wards, from memory, where that was occurring, except that we noted that on election night. Then it was probably about half an hour or an hour before the state secretary was then invited to return our scrutineers to the booths to observe that the count was still taking place and to record the tally to report back to the parties.

**Mrs GERBER:** Mr Thompson, in your submission you talk repeatedly about communication issues with the ECQ and the difficulties you faced. Did you expect that communication would be as difficult as it was? Can you indicate whether other political parties experienced the same difficulty? In relation to communication trickling down from the ECQ to returning officers, can you talk about any failures there and outline how it impacted on you?

**Mr Thompson:** We will not speak on behalf of the other parties, except to say that in many respects the parties were working in advance of the ECQ early in pre-poll and reached unprecedented voluntary agreements in the interests of the health and safety of the voters, the ECQ returning officers and the polling workers. Even until 27 March, the day before the election, we were still trying to convene a meeting between the parties and the ECQ. I will let the other parties speak for themselves.

In an ordinary election and in ordinary circumstances you would probably say that the level of communication was adequate. In this election and in these circumstances it was wholly inadequate. The ECQ was given unprecedented powers. The exercise of those powers and some of the directions they issued were unprecedented in Queensland or probably in any democracy around the world.

The reality is that there were only three parties effectively running in the Brisbane City Council elections, and we had a fourth in the state by-elections. It would not have cost the ECQ much time at all to engage with the parties and to consult with them. The parties could have brought their collective experience of elections to inform the ECQ's decision-making and at least give us some forewarning when they contemplated the issuing of the directions.

The parties play an important role in diffusing advice from the ECQ, ensuring that directions are understood, seeking advice and clarification if necessary, and then ensuring compliance by our candidates with the rules that the ECQ hands down. The parties at all times were cooperative and pre-emptive also in making sure the election was run safely for voters and for the ECQ staff.

In terms of the ECQ's communication down to returning officers at the ward and electorate level and from returning officers to the booth supervisors, we are not privy as to how they conduct that communication, except to say that, from what we observed, it was inadequate on election day. The direction from the ECQ came very late in the session, at about three o'clock on election day, that scrutineers could observe from afar the count from an open door or window where it was practical and safe to do so. Many of our scrutineers and candidates then reported to us between the hours of 6 pm and 6.15 pm on election night that their returning officers and their booth supervisors were either not aware of the updated direction on election day or were aware of it but were proceeding on the basis that it was an issue, that they were sticking to arrangements they had put in place two days earlier that they were not going to allow scrutineers to observe the count, either from afar, outside the polling place—it is extraordinary alone that a scrutineer could not stand outside a building with no-one else there and peer through the window—or that they would be entitled to be inside the room if it was a large polling place—say, a school hall—and be there for more than what was earlier agreed to, which was just the opening of the boxes and the resealing of the boxes. There were a number of wards where we had reports of that happening. One of the ECQ officers in particular was quite helpful in contacting those returning officers when we failed to get a resolution with them and was able to get our scrutineers to be allowed to observe the scrutiny from afar, which they were entitled to do from that direction on election day, but in other instances there was continued resistance from the returning officers and some of the booth supervisors to permit that.

**CHAIR:** That brings to a conclusion this part of the hearing. We thank you for your attendance and your written submission.

**BEERS, Mr Zac, Assistant Secretary, Queensland Branch of the Australian Labor Party (via teleconference)**

**CAMPBELL, Ms Julie-Ann, State Secretary, Queensland Branch of the Australian Labor Party (via teleconference)**

**CHAIR:** Good morning. I invite you to make a briefing opening statement, after which committee members will have some questions for you.

**Ms Campbell:** I thank the committee, on behalf of Zac and myself, for the opportunity to provide submissions this morning. In terms of our written submission, in opening I want to take the opportunity to repeat and rely on what is in our written submission and particularly note for the committee that that submission is fundamentally underpinned by those principles of enfranchisement of Queenslanders, of ensuring public confidence in both the accuracy and the integrity of a vote and of making sure that people are safe. Under those principles, that means ensuring the timely dissemination of the results of any election as the critical role that the ECQ plays.

In terms of the overview of our submission, fundamentally there are three key points. The first is in relation to the results system. The second is around scrutineering arrangements. The third is around communications and training going forward. In terms of the results system, the committee would be aware that this election saw the introduction of a new data feed provided by the ECQ. I am advised by our data staff here at the ALP that that new data feed involved some significant differences in the number and way in which files were presented, the way the XML object was put together and a new spec. That spec was received by our data staff on 27 March and did not have all of the detail in it.

Further to that, and due to that new data system, our key recommendations out of this committee but also out of the submission are focused on ensuring that in the future dummy results are tested and tested early with a multitude of scenarios. When we talk about dummy results, it is important to make sure that results as they would appear in a dummy way are fed into that data feed to ensure that both political parties and the ECQ have the opportunity to see how different types of results would look under any sort of new data system. In addition to that, in terms of the results system, the party also submits that further information should be provided publicly—specifically, booth-by-booth information, which was not provided at the time of the election being held and indeed which we were informed of, I believe, on 12 May in terms of those being put up.

The second part of the submission is really focused on scrutineering arrangements. In scenarios where there are technical difficulties in the feed, as we had on 28 March, we re-emphasise that scrutineers not only play a role in ensuring that there is public confidence and integrity in the ballot but also play a role as a secondary stopgap to ensure that when technical difficulties occur there are other means and methods to convey results. Finally, in terms of communications and training, it is about ensuring that there are early communications and training for staff, particularly in the context of new processes—and in this case new data feeds—to ensure that staff and parties understand not only the way in which new systems will be implemented but also how they will work on the day. Our submission is focused on those three things. As I said at the start, we repeat and rely on those written submissions.

**Mr LISTER:** Thank you for your submission and for your appearance today. Ms Campbell, did you have any contact with any ministers or their staff in the days or weeks leading up to the election regarding concerns they may have had over how the election would go with respect to the Electoral Commission's performance?

**Ms Campbell:** I would have to check to ensure that I was giving you an accurate answer on that, but certainly I would have had conversations with members of the party in relation to a whole range of things.

**Mrs McMAHON:** Your submission also calls for booth-to-booth results to be accessible on the public website. Can you elaborate on why it is important for the public to see booth-to-booth results rather than just a count for the division or the electorate as a whole?

**Ms Campbell:** Booth-to-booth results give people a confidence in understanding where votes might add up from. If you have a scenario where you are looking at a final result, understanding how that result actually folds out, particularly in the context of the individual votes and how they add up to a final result, is important. It also assists in predictability and in being able to assess the differences in the vote from previous periods. That is important in terms of analysis from a media perspective, from a public perspective and from a party perspective.

**Mrs McMAHON:** Your submission also states that during the March election you experienced inconsistency of interpretation and lack of clarity with respect to processes. Can you give us any examples, from either various different booths or divisions, where you were advised of inconsistency in the way that officials were handling the count and/or procedures on the night?



**Ms Campbell:** The submission when it refers to that is not limited just to the scope of what the parliamentary committee is dealing with at the moment. We experienced that in relation to signage and scrutineering and certainly we experienced some reported difficulties on the ground in terms of staff interacting with the actual systems themselves. I should clarify that that is a broader statement in terms of our experience overall.

**Mrs GERBER:** I am very interested in the answer to the question asked by the member for Southern Downs. Can you take that question on notice?

**CHAIR:** No. Laura, I am still the chair. That question will not be taken on notice. Ask your question, please.

**Mrs GERBER:** Sorry, Mr Chair. I did not quite understand. Is the question able to be taken on notice or not?

**CHAIR:** No, it will not be.

**Mrs GERBER:** Okay. My question is in relation to the testing data submission that you made. In your submission you submit that there should be a test data feed with test candidates and results created and that this should be conducted well in advance of the election night and made available to parties. Did you ever raise this with the ECQ prior to your submission?

**Ms Campbell:** Obviously our data staff try to work quite closely with ECQ. Requests were made by our data staff in terms of the spec that was provided prior. I am advised that that spec was received on 27 March at 4.52 pm.

**Mr Beers:** Requests were made, for at least five to six weeks prior to the election, for more clarity on what the data feed would look like, if there were any variation to the specs and if we could have information about those specs to ensure any issues that may have occurred at our end could be rectified or any clarity that we needed to seek in relation to those specs could be sought prior to election night. As Ms Campbell has outlined, the specs were not provided to us until 4.52 pm on 27 March.

**Mrs McMAHON:** In your submission you make reference to scrutineering arrangements. Notwithstanding the scope of this particular inquiry, in terms of results you say that scrutineers 'must be able to write down numbers on their own tally sheets independently of the presiding officer'. Could you explain why that is important and whether there are any instances where scrutineers have not been allowed to record their own tallies?

**Ms Campbell:** In terms of why it is important, obviously scrutineers having independently written tally sheets allows for a cross-check of results and allows both parties to identify, through that scrutineering process, issues that may have arisen in any reporting of results that appear either on a website or in terms of the tally so that those issues can be raised with the ECQ. In terms of the scenario of 28 March, obviously the scrutineering arrangements at the time did not enable people to do that.

**CHAIR:** There being no further questions, I thank you for coming along today and for your written submissions.

**Proceedings suspended from 10.58 am to 11.23 am.**

**BRENNAN, Mr Terry, Chief Executive Officer, Burdekin Shire Council (via teleconference)**

**CHAIR:** Good morning. I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Mr Brennan:** I want to take the opportunity to touch on a few aspects of the submission and also give a little bit of context. I have served as CEO on a number of councils in Queensland in previous roles and have had reasonably lengthy experience in the conduct of local government elections both as a returning officer and as a client of ECQ since they have taken over that responsibility.

In terms of the Burdekin shire, I will give some background about our elector numbers. There are approximately 12,000 electors. The council is undivided. We have six councillors elected across the entire shire in addition to the mayor. First-past-the-post voting occurs for councillors, whereas it is optional preferential for the mayor.

In terms of the 2020 election, approximately 70 per cent of electors took the option to pre-poll their votes. That was quite a high percentage. The ECQ website failure on the night of the election was quite disappointing in that the information was posted quite late on the evening of the election. That caused concern amongst candidates and also the community. It is also understood that the COVID-19 restrictions meant that scrutineers were not able to attend the preliminary count. I do not think that assisted the situation either in terms of the flow of information. From my experiences, in comparison with previous elections I would have to say that the performance of the website in terms of both the count on the night and progress counts was worse. That is very disappointing given the significant increase in costs to council for the conduct of the election. There were problems also experienced at the 2016 election with the website, so it is somewhat concerning that lessons from the past do not appear to have been learned.

In terms of posting information on the website from progress counts that were undertaken by the returning officer locally, it appeared that the updates were quite slow. That was frustrating for candidates and the community. It is fair to say that there was little, if any, interaction by ECQ with council about these issues and indications of any issues about timing of processes. I do not believe council was considered as a key stakeholder in any of the ECQ communications. That meant that I had to resort to contacting the returning officer locally to get timely updates on the progress of the count, and contact also had to be initiated by me with ECQ staff to obtain information on the declaration of the poll.

Our election was reasonably straightforward, because of it being first-past-the-post, compared to other councils. Notice of election for our councillors was issued on 8 April, which was 11 days after the election. I know they had to wait 10 days because of the closeness of the count, but we did not receive any formal notification in terms of that until it appeared on the ECQ website which was some time mid-morning on 9 April. That was the day before the Easter break. That caused some difficulties for us in terms of planning our post-election meeting including the provision of the notices required under the Local Government Act prior to the meeting.

In summing up, I think in an overall sense the problems that were encountered did little to engender public confidence in the election process. With many people in the community still thinking council undertakes that process, obviously criticism came our way when it was not deserved. I will conclude with those comments.

**Mr LISTER:** Mr Brennan, thank you for your submission and for appearing today. Did you receive any feedback from councillors and council candidates concerning their success in using the online training that ECQ rolled out for councillors? I spoke to my local mayor, Vic Pennisi. He said he had a great deal of difficulty and was logged in and out and in and out. Have you experienced that in the Burdekin as well?

**Mr Brennan:** Some of our councillors did experience some difficulties with accessing the online training and using the QGov portal. I do not have a lot of knowledge there, I am afraid.

**Mrs McMAHON:** I will preface this by saying that I have very little experience in terms of local council elections and local government. In your submission you made reference to the cost that is incurred by council in running local council elections. I am sure most people would probably assume that the cost of running elections is borne by the ECQ. Could you outline to the committee the role council has in terms of what it outlays for a local council election?

**Mr Brennan:** In terms of the 2020 election, the estimate provided to us by ECQ was \$125,000. That represented an increase of approximately 100 per cent over the amount we paid for the 2016 election, although ECQ indicated that, because there was a state referendum conducted at the same

time, the state shared some of the cost of that, whereas for this election, as I understand it, the ECQ is required to cover their costs. It was a substantial increase on what has been paid by council in past elections.

**Mrs McMAHON:** What does that money go towards in terms of the council outlay? What are you covering in terms of expenses?

**Mr Brennan:** As I understand it, it is the full costs for the election locally, so that would be paying the staff, the costs for the hire of any polling booths, the hire of facilities for the returning officer for the period of the election including the preparation for the election and, I imagine, the costs for ECQ. I believe there were significant costs incurred by them to develop the new website with a lot of information, given that that seemed to be the main method of communication between candidates and the ECQ.

**CHAIR:** Mr Brennan, in your submission you say 'the performance of the website in terms of providing up to date information on the progress of the count was considerably worse' than in previous years, but in your opening you said there were issues in, I think you said, 2016. Are you able to outline to the committee what differences you noted compared to your 2016 experience? Are you able to clarify that?

**Mr Brennan:** Yes. In 2016 I believe there were problems with the website on the night of the election in terms of the count. Subsequent to that, the updating of information on the progress of the count was reasonably prompt and reasonably regular as well, whereas in terms of this election we noticed that the updating of the information seemed to be somewhat slow. Based on feedback we were receiving from candidates, they were getting updates from the local returning officer on how the count was progressing, but that information did not seem to be flowing through to the ECQ website in a timely manner. I would say that was probably the case for a number of days during the count after the election in terms of when the count information was being provided as opposed to when it was getting posted on the ECQ website. They may have had some internal processes that they undertake there to verify details, but it did seem to be quite slow to get those updates.

**Mrs GERBER:** Mr Brennan, in your submission you talk about the lack of proactive and regular communication by the ECQ. Can you talk us through whether or not you expected it to be as difficult as it was? Can you give the committee any recommendations for the ECQ about how they can improve communication in the future?

**Mr Brennan:** In my opening remarks I made reference to the fact that it appears that council has not been treated as a key stakeholder in the communications from ECQ. I believe candidates were getting regular emails and advices in relation to how the process for the election was progressing, but council was not privy to any of that information. Being the client in some respects, in terms of paying the bill, we would probably expect that we would have received more regular advices on what was occurring and what the problems were.

Even in relation to the declaration of the results of the election, council never received any communication from ECQ directly in terms of an email with a copy of the result. We had to actually resort to the ECQ website to obtain that information. That is quite an important document in terms of being able to commence your processes for a new council, in terms of the declaration of the poll. Even with that we were not directly provided with an official copy of any notifications. We had to resort to the ECQ website to obtain it. It was quite frustrating, the lack of information. Being a CEO at a council, you are expected to be across many issues. The fact that we were having to resort to contacting people directly rather than getting the communication was very disappointing.

**CHAIR:** There being no further questions, I thank you, Mr Brennan, for your attendance and your written submission.

**Mr Brennan:** Thank you, Chair. Could I make one final comment?

**CHAIR:** Of course.

**Mr Brennan:** The ECQ responded to a couple of issues that we included in our submission. I would like to provide a bit of clarification. They referenced the fact that they finalised the councillor count on 8 April, saying that was nine days after the election. I wanted to clarify that that is actually 11 days, not nine. It might be nine working days, but it is 11 calendar days. The other thing was that they said that the actual result was declared on 8 April, but we certainly did not get any formal notification and that information was not posted on their website until sometime mid to late morning on 9 April, hence the concerns about the timeliness of the information going on the website. Thank you, Chair.

**CHAIR:** Thank you.

**MANN, Ms Fran, Councillor, Mackay Regional Council**

**McKENDRY, Mr David, Executive Officer, Mackay Regional Council**

**CHAIR:** Good morning. I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Mr McKendry:** Good morning and thank you for the opportunity to participate in the inquiry in furtherance of our submissions. The conduct of the election is something that is obviously dear to the hearts of not only candidates but also council operations and the general public. Issues with the 2020 elections have been identified. We think with good planning they can be sorted before the next election.

Firstly, we would like to highlight that we were very lucky to have the services of two experienced ECQ staff in the form of the returning officer and the assistant returning officer. Having reviewed the LGAQ submission and other submissions, it would appear that others did not have that luxury, but we were very lucky in that instance. Also, I highlight that the communication from them throughout the whole process was actually very good. They also did a very good job during some trying times through the COVID-19 situation here, where they had shortages of staff and other things.

The issues around the election were raised by both our mayor through the media and also our councillors at a council meeting. I want to highlight that they are not the sorts of things that our council does lightly. There is a little bit of emotion around the election certainly within our community. The main issues really involved the delay in the count data being released on the website. In fact, it was pretty well inoperable. It is most frustrating, because we knew that the local staff were doing the count and the counts had been done but it just did not get there. On election night, the votes cast at each of the polling booths were actually counted, but they were not available for a number of days.

We note that in their response the ECQ state that the results data was updated based on results reported from the returning officers and was dependent on the progress of the count. That actually was not our experience in Mackay. In our opinion, on ground the count was conducted but it just did not get up. For example, on the election night there was one booth counted and then the site crashed. On the Sunday night, there was the rest of the count and the Sunday's count put up. The counts from Monday, Tuesday and Wednesday and maybe Thursday were not put up until the Friday, which is actually 30,000 votes. That took about three days at a minimum.

I think the underperformance of the system is well documented by others, so I will not labour the point. I also point out that it was not a single issue on the night. We think there was an issue with the system in the lead-up, because there were a number of issues with the uploading of nominations et cetera as well. There were also issues from our public in relation to frustration around postal ballots. We had examples of people who, despite registering fairly early, did not get postal votes until late and sometimes not until after the polling day. Obviously this had something to do with COVID-19 and the inundation of people, but it just eroded the confidence of the general public.

The other thing we want to point out is that Mackay in 2016 was a trial site for the electronic or scan voting. We were happy to do so. It was then a little bit surprising that four years later that system was not used at all and we went back to a very manual counting system. That is something that we would like to see investigated for the future.

In summing up, most of the issues come back to the costs and value for money. For previous elections, 2008 cost us \$385,000, 2012 cost us \$315,000 and 2016 cost us \$375,000. The estimate for 2020, noting that we are yet to get the COVID-19 impacts, is \$788,000. We note from the ECQ submission or response that the 2016 election had a limit of subsidisation and that was actually included in the letter that they sent us, but the amount of subsidisation in their letter in 2016 was \$45,988. In essence, if you added that on, the 2016 ballot would have cost \$421,000. So we are still a little bit confused how we have gone from \$385,000, \$315,000 and even \$421,000 to \$788,000. Those are just some of the issues that we have.

Finally, as somebody who has been involved in councils actually running their own elections, personally I am a supporter of a specialist body such as the ECQ undertaking the task. However, even I have to question that, given the price increases over the period and then what I would call the performance issues, mostly around the website issues. That is probably a summary of the matters that we would like to highlight. Councillor Mann and I would be happy to answer any questions.

**Mr LISTER:** Thanks very much, Mr McKendry and Councillor Mann, for your appearance and for your submission. I am looking at the sequence of events that you have described regarding the delay in the declaration of the poll. You have talked about how it appears that there was a significant delay simply to deal with 11 declaration votes or something like that. When did you finally manage to swear in the new council?

**Mr McKendry:** The swearing in occurred the week after. What ended up happening was, if I am being honest, we simply had to get on with life. The declaration of the poll actually came through on Thursday, 15 April. We had our councillors in the room doing inductions, because we had to get on with life. We swore them in the following week before the council meeting, but the declaration of the poll was posted on the ECQ website on 15 April and we got it on 16 April. Our councillors were sitting in a room doing their initial induction process because we needed to get on with life. We sort of knew what was happening and we knew that it was not going to change, but we did not have the official declaration of the poll until the 16th, dated the 15th.

**Mr LISTER:** Were the new councillors not being paid until that occurred? The flip side of that is: were defeated or retired councillors continuing to be paid even though they no longer had—

**CHAIR:** Excuse me, member for Southern Downs, but that is a bit outside the scope of the inquiry.

**Mr LISTER:** With regard to the delays in the declaration, I wanted to know what the material impact was on the council, including the pay arrangements for councillors resulting from the delay in the declaration.

**CHAIR:** Yes, but the inquiry is in relation to the uploading of results to the website. How is your question relevant to the inquiry?

**Mr LISTER:** I wonder whether you would permit the question.

**CHAIR:** I do not think it is relevant. That is where I am struggling.

**Mr LISTER:** Yes, but I wish it was relevant. I wish the terms of reference were a little wider. I know the Premier wanted answers to this. Could we permit it on the grounds that we are inquiring into the truth?

**CHAIR:** No.

**Mr LISTER:** All right. I trust that is thoroughly minuted, Hansard. Thank you, Mr Chair. No further questions from me.

**CHAIR:** Member for Mirani, do you have a question?

**Mr ANDREW:** No, but I thank both people from the Mackay Regional Council for their appearance.

**CHAIR:** What impact did the failure to regularly upload the vote counts to the ECQ website have on residents in Mackay?

**Mr McKendry:** If it is all right, I might let Councillor Mann answer that from the community's point of view.

**CHAIR:** Yes, of course.

**Councillor Mann:** Certainly there was a lot of impact and on a daily basis, I believe, most candidates would have been having inquiries from community members asking for an update. We were all in a really trying time and people were looking for leadership, but the mayor and the executive team did a fantastic job. People were looking to councillors or councillor candidates for leadership as well and we were often bearing the brunt of the fact that the website was not performing how it should when people were searching for results.

**Mrs McMAHON:** In the submission you also talk about issues with the nominations process and some not being displayed even though the paperwork had been lodged. It is something I was made aware of in my local area with councils, and even at the ballot drawing not all people who had nominated were recorded. From your knowledge, could you step us through how this nomination period was different from how it had been done previously and whether this was done on the new election management system?

**Mr McKendry:** Yes. Candidates had the option of either logging on online and completing the form themselves or going in person and seeing the returning officer. I understand a number of them tried to do it online and may have had a crack, but most of them went down and saw the returning officer. The issue was that, despite the fact that we knew people had handed in their forms—and I actually knew that the returning officer had them—they did not appear on the website for some time and then appeared in an out-of-order fashion, if you know what I mean—that is, somebody who went in before somebody else did not appear until later. It all came about by virtue of having to go through some sort of a control point to get it up on the system. We knew the paperwork was there, but it just was not making it onto the website and it was not official until it was on the website.

**Mrs GERBER:** I refer to page 3 of your submission in relation to the delay in the declaration of the poll. Can you let me know if there was in broad terms an impact on the council—that is, whatever impact there might have been on the council in relation to the delay in the declaration of the poll and perhaps the swearing in of new councillors?

**Mr McKendry:** Yes. I suppose leading up to the election we had planned on how we were going to, firstly, induct the new councillors and, secondly, start the processes including the statutory post-election meeting and other council meetings. We had all that planned. Obviously it would be unlikely that anything could happen before 7 April with the closure of the postal ballots, so we had allowed a number of days for other things to occur such as the declaration of the poll and then we had our councillors coming in. Unfortunately, Easter was in the middle, so we had them coming in after Easter, on the Tuesday, to start the process of inductions to have a statutory meeting the following week. The issue was that we were contacting candidates who were not declared but having the conversation with them to say, 'It looks likely that you're going to get in. Can you pencil in your diary please to come and see us Tuesday and then Wednesday and we'd like to start some governance training on Thursday?' We had to do all of that on the Thursday the week before, without any declarations, because we simply could not leave it any longer because you would have lost another week. It was mostly around that planning, I suppose, and the delay over those final declaration ballots and the classification of those probably caused us potentially to lose a week, but we just got on with life.

**CHAIR:** Your submission also mentions the view that local booth staff were hamstrung by the ECQ system which required all information to be manually sent to the ECQ in Brisbane for uploading. Are you able to expand on this concern?

**Mr McKendry:** Yes. Just for clarification, when I say 'manually' that is not physically, so obviously what I meant was manually so far as they had to send it through. My understanding is that no information was official until it was vetted by the ECQ in Brisbane and then put on the website. Despite the fact that on the ground ourselves and in particular the candidates knew what was counted and probably had a fair indication of what the counts were, until it appeared on the website they were not official.

**CHAIR:** Do you have any further comments, Mr McKendry or Councillor Mann?

**Councillor Mann:** Just from a candidate point of view, I can only talk about how I felt—and possibly other candidates—waiting on the results, given that it might have been close in different areas. It does take a toll. If we take away the purely business part of it, you have to remember that these are people's lives and livelihoods involved here. You also have to take into consideration that the community looked to us for leadership and, rightly or wrongly, we could not necessarily provide that leadership in a time when we were in uncharted territory. The other thing that is important is that we did bear the brunt of people's anger—the community's anger—over different issues but particularly this one where the website was not being updated in a timely manner. While they are a business and they are trying to run an election, you cannot take away the human side of it, either, where it impacts people's mental health and wellbeing but also their leadership ability.

**CHAIR:** Thank you. There being no further questions, that brings to a conclusion this part of the hearing. We thank you for your attendance and for your written submission.

**Mr McKendry:** Thank you very much.

**Proceedings suspended from 11.55 am to 12.22 pm.**

**BLAIR, Ms Estelle, Private capacity (via teleconference)**

**CHAIR:** Good afternoon. I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Ms Blair:** Good afternoon, everyone. My name is Estelle Blair. I have lived at Yaroomba on the Sunshine Coast since I retired seven years ago. Previously I worked in state public sector departments as a professional officer for 40 years. I also have taken an interest in local government.

To explain why I chose the datasets that have been used to demonstrate my concerns, Yaroomba was in division 9 of the Sunshine Coast local government area but, in response to the 2019 redistribution, the suburb was moved into division 8 for the elections. I was interested, therefore, in both the mayoral and the division 8/division 9 candidates. I followed the election campaign and voting tallies reasonably closely without being obsessive about it.

During the vote-counting period I had contacts in a division 9 campaign team who passed on the progressive tallies for individual booths and early-voting centres that had been supplied by the returning officer, but I did not have the similar links in division 8. There seemed to be lengthy delays in the updates. While an early report for division 8 showed a 49-51 per cent split in the candidates' votes, the later reports showed a sudden reversal. The final results on the ECQ website provided the aggregated tallies, but I was curious as to the differences between polling booths as I thought that might explain the reversal in fortune of the division 8 candidate. This is the sort of curiosity that retirees get up to from time to time, I guess.

I had thought the event data tab on the ECQ website election results page would provide more detailed information, and later I also decided to review the mayoral results. The lack of results for individual early-voting centres for division 8 was a concern, as I knew from attendance at pre-polling that there were a lot of division 8 people voting at Coolum and also at the Maroochydore EPC. I approached ECQ requesting unaggregated absent figures but was told that was not available, but I know it must have existed as division 9 results were provided during the count.

In terms of the mayoral data, the three datasets were an unofficial preliminary count, the official first preference and then the official distribution of preferences dataset that, frankly, I could not understand due to its complexity so I reviewed only the official first preference data. As displayed in the table supplied in my submission, the inconsistency and lack of availability of some of the raw data again concerned me. There might be a perfectly reasonable explanation and, in fact, it might have been resolved in subsequent cumulative figures, but I cannot tell that. The layout compounded the difficulty to interpret or extract data for analysis for the likes of myself, the layperson, and the 32-page user specifications document really did not assist very much.

This morning I reviewed the ECQ response to my submission and again reviewed the ECQ website results page and downloaded the XML data feed. There appears to be no change to the data on the XML feed. There are the same omissions and issues. The only booth data I could find is that which is on the XML feed. There was not—not that I could find—any summary booth level results tabled for the divisional candidates such as I had prepared and was hoping to have officially verified. My original inquiry has not been addressed. The half-a-dozen questions at the end of my submission were just thoughts that came to mind as I examined the figures, so they are obviously just rhetorical. I am happy to answer any questions that my submission might have raised.

**Mr LISTER:** Ms Blair, thank you very much for your submission and for appearing today. When we last had estimates hearings in Queensland, our committee questioned the Electoral Commissioner on the likely cost of implementing the IT changes that we have convened to talk about. He said that it would be in the millions, without being precise. They were his words. Do you believe that the taxpayer got value for money out of the money spent in reforming the IT systems at the ECQ, based on the results that they showed?

**Ms Blair:** I have no doubt that the overall figures properly reflect the results in the Sunshine Coast council elections, but I was concerned about the detail and the omissions in some of the tables that you have in front of you. How can you have 180 per cent of the total votes in one division when there is only 100 per cent enrolled, such as division 1 in the mayoral count? There were 38,000 votes allocated to division 1, yet there were only 21,421 enrolled voters. I found those sorts of figures surprising. You could have anywhere between four and five polling booths listed in some of the divisions and yet there were eight to 10 in others. Obviously there are differences in the number of polling booths, but when the early-voting centres are haphazardly included or not, I was just very surprised at those sorts of discrepancies.

In terms of the division 8 results, as I say, I know there were people voting at Maroochydore and Coolool and also possibly Nambour for division 8. There was no separate early-voting centre in division 8, and I know there were figures given for division 9 for those early-voting centres. It surprised me that there was just one aggregate for the Sunshine Coast and the ECQ just said there was no further breakdown available. I just found these discrepancies quite surprising and a bit disappointing, to be honest. I understand how complex these things are, but one would hope that there was more transparency than that. I guess that is what I am saying.

**CHAIR:** Ms Blair, would it be fair to say that what you believe is that a more transparent dataset would be a booth-by-booth result?

**Ms Blair:** I will admit that that was what I was hoping to obtain from the event data XML feed. It would have been nice to have it in summary tables the way I did them up. That is obviously time consuming and I am quite conscious of the costs of that sort of thing. I would have thought that in that XML feed there would have been a booth-by-booth tally for every division for the mayor and/or candidates. It was that omission that I thought was unexpected, let us put it that way.

**CHAIR:** Is it something that you became aware of? Did you trace the previous election, the 2016 election?

**Ms Blair:** No, I did not.

**Mrs GERBER:** In your submission you talk about how you sought further information from the ECQ on 28 April and were provided a response by the ECQ. Would you consider the response you were given a satisfactory and reasonable line of communication? What impact did that line of communication from the ECQ have on you?

**Ms Blair:** I will admit that, again, I expected more information to be available given that there were the omissions in the table. Even submitting an inquiry I found a bit curious. I submitted the inquiry and I got one response that said that I had to go to a different area, which was not the case because about 30 seconds later there was another response that said it had been allocated to an officer. That was a bit interesting. About a week later the answer, which I put in my submission, came back. A week after that there was another note that basically said, 'Your ECQ inquiry has been resolved and we are closing this off.' I wrote back to them at that stage and said, 'Actually, no, I am still hoping to get the early-voting centre data, the individual booths.' That went in as a separate response. A very kind lady came back to me after that and said, 'I'm sorry, I have asked and it's just not available.' At that point I thought it was obvious that that data or those tally sheets or whatever had been filed or lost or were just not around anymore.

**Mrs McMAHON:** In your submission you express concern that individual vote tally sheets were all lumped under 'absent'. Can you explain further your concern about that?

**Ms Blair:** I had thought there would be individual tally sheets for the early-voting centre at Coolool for division 8 and also at Maroochydore for division 8. I will admit that I was curious to find out whether there was more support for one candidate towards the north of division 8 as opposed to the Maroochydore area. It was basically just idle curiosity as to who was voting for what and where.

Given other divisions had their early-voting centres itemised for each of their areas, it just surprised me that it was not available for division 8. They had the Brisbane early-voting centre, but then absent was just everything excluding Brisbane City Hall. There was another early-voting centre at Carseldine. Conceivably, I could have the Carseldine, Maroochydore, Coolool and probably even Nambour figures all lumped into one area. I was not able to satisfy my curiosity by getting a breakdown of those figures.

**Mrs McMAHON:** I am looking at the table that you have provided us in your submission. Some 9,842 votes you have marked there as absent. Can you tell us what benefit there is for you or for interested observers in getting further breakdown of which early-voting centres around South-East Queensland those votes were from? What sort of information do you glean out of that, for interest?

**Ms Blair:** For the polling booths that I have listed, some of them obviously show greater support for one of the candidates than the other and vice versa. Considering there was such a large number of early votes lumped together under 'absent', I thought there might have been a trend between the Coolool early-voting centre and the Maroochydore early-voting centre.

Overall, it is obvious that the statistics show that the right person was declared the winner—and the same with the mayoral election—but to try to do a trends analysis for who was voting for whom and where, the 9,000-odd votes was over half the total number of votes. I would have thought that would be significant. If you were trying to develop some sort of trends analysis in terms of how people were voting where—for instance, Mr O'Pray might decide he needs to put further effort into his divisional Brisbane



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population in some areas rather than others; if he felt they were disaffected it would be nice to get to know them better and show he is supporting them or vice versa—if half the votes are lumped into one category it does not help to determine where your support base is or is not.

**CHAIR:** There are no further questions, but there are a couple of minutes left. Is there anything else you wish to add?

**Ms Blair:** Thank you very much for your time and your patience in indulging me.

**CHAIR:** That is okay. That brings to a conclusion this part of the hearing. I would like to thank Estelle Blair for her attendance and written submission.

**Ms Blair:** Thank you very much.

**HOBSON, Ms Melva, President, Organisation of Sunshine Coast Association of Residents (via teleconference)**

**CHAIR:** Good afternoon.

**Ms Hobson:** Good afternoon, Chair and committee members.

**CHAIR:** I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Ms Hobson:** Thank you for the opportunity to participate in the inquiry. From listening to the hearing with the ECQ commissioner and staff on Monday, reading the ECQ responses, not repeating information in our submission and noting questions asked by the committee of both the ECQ on Monday and from the research that OSCAR has done, there are several conclusions that can be drawn, each with a domino impact.

One was the lack of stakeholder management. When load testing was undertaken 13 days prior to the election and workarounds implemented, ECQ knew that the workarounds and hence the website might let them down. They could have managed that. There are enough communications experts around to have prepared candidates and the public that there were problems with the website and that there could be delays. That did not happen. The stakeholders were those participating and watching the election—that is, all of us. All expected the booth counting and procedures to be efficient, transparent and at least the same as previous elections. The result was, of course, reputational damage to the ECQ, cynicism and distrust from the community.

The second question that arose was: was there equality for candidates? This was primarily the quadrennial local government elections, the date of which was known for four years, with two by-elections tacked on. By 9 pm on election night, given the website issues, the ECQ was concerned about transparency so they contacted political parties by phone to tell them scrutineers were allowed in. Two elections and one local government election were party driven and 76 local government elections were not. They emailed returning officers and advised them to let candidates know that scrutineers would be admitted. A candidate to whom I spoke yesterday said that he did not recall getting any information that night regarding scrutineers. Remember, as many of your committee members would know, there are booths in regional areas that require some distance travelled and those booths would probably have been closed by 9 pm.

Throughout the counting period, access for scrutineers was ad hoc and inconsistent both across and within LGAs and, to quote one candidate, 'added to the agony of the next two weeks'. Given the ongoing debacle of the website and delays in updating, candidates were reliant on the work of their returning officer or assistant returning officer. One candidate yesterday said to me that he thought the service from ECQ staff was second to none. However, another mayoral candidate indicated he only got updates when he contacted the returning officer.

Was there equality of access for voters? Although this was not directly related to the website, it was referred to by the ECQ in giving their evidence on Monday. No, there was not equality. The decision not to have mobile voting booths severely disadvantaged many older voters. Many people who had applied for postal votes did not receive them in time. Problems associated with telephone voting particularly impacted the vulnerable and those returning from overseas prior to the election and in self-isolation.

An engaged community was let down. The 2020 local government elections saw particularly high levels of community engagement. For example, there were 40-plus well-attended public forums across the Sunshine Coast and Noosa council areas. As reported in our submission, respondents to our survey did not hide their opinions regarding the ongoing delay, lack of reliability and confusion as to what was happening with the counting and reporting. The saga continues. We have looked extensively at the website. The results by booth are only available via the XML file, where even experienced computer and XML users gave up on these, as our submission and others have referenced. The community was looking for those results as had been displayed in previous elections—for example, 2016.

The question to the ECQ is: how do ordinary individuals and organisations such as OSCAR use the XML media feed to analyse polling booth figures? The ECQ's response to our submission referred to the data in the XML feed being the same as the results data displayed on the website but stored in a machine readable manner with specialised coding required for extracting data. It is generally utilised by specialised information technology systems belonging to interested parties such as the media and political organisations. That is not good enough.

The XML data does contain polling booth vote counts which the results data displayed on the website does not. The XML data is virtually useless to normal people. The ECQ should not be just catering for media and political organisations that may or may not have the specialised information technology systems referred to. One can open an XML file in Excel, for example, but the way the data is displayed makes it almost useless for analysis.

In conclusion, I would like to say on behalf of OSCAR members that those who were following the election closely acknowledge that ECQ was dealing with unprecedented circumstances at critical times and in many cases did an excellent job. The ECQ can rightly claim that COVID-19 impacted the casting of votes in any form. We hope never to see such a situation again; however, no doubt we will have similar situations in the future and of course there is the state election in October. The community expects that ECQ has established a disaster management group with experts in that field to ensure that ECQ is well prepared for any similar eventuality. A start might be a full analysis and evaluation, including public submissions, of the process operated under COVID-19. Thank you again.

**Mr LISTER:** Mr Chair, I defer to the member for Currumbin. Thank you very much, Ms Hobson, for your appearance today.

**Ms Hobson:** Thank you.

**Mrs GERBER:** Thank you, Ms Hobson. I can see from your submission that clearly what is important to you is outside the terms of reference for the committee's inquiry. I acknowledge that in your submission you have acknowledged the narrow focus of the inquiry. I would like to give you the opportunity to tell the committee why you think there should be a wider inquiry.

**Ms Hobson:** I had so many calls from frustrated community members, candidates and candidate support teams about the processes and inconsistencies across the LGA. I talk regularly through part of the South-East Queensland Community Alliance with other groups in South-East Queensland and they reported the same thing: from instructions being given to voters on how to vote—some saying 'only vote 1' and some saying 'vote full preferential'—to complaints about the processes that occurred at the polls, particularly at pre-polling in relation to signage, in relation to processes where people could stand, and candidates being told to sort out any issues between themselves. The list went on and on. I acknowledge that the ECQ was working under difficult circumstances and was trying to keep the returning officers informed. The returning officers were hence then keeping candidates informed. The plethora of emails and the length of some of them made it almost impossible to read and take it in. As much as we acknowledge the work that the ECQ did and the role of COVID-19, there were issues that should have been dealt with in a more timely manner.

Our advice to ECQ would be to imagine this situation happening again, check out all of the issues that people have complained about and set in train early processes to deal with them. A number of people did not respond to this inquiry for that very reason. That is why we chose to survey—some 30 responses we had—to get some of those issues back to us. It was just disappointing for a highly engaged community.

**Mrs McMAHON:** Could you outline to the committee the volume of responses you had in relation to your survey? I note that you indicate you are a bit disappointed, but you thought that it might have been due to the passage of time. How many responses did you get to your survey either from candidates or just from the general public?

**Ms Hobson:** Our responses predominantly came from our members. As a peak body, we have member groups who work with us. We had 21 responses from about 40 member groups and then a significant number of associate members. They were quite extensive responses. We only had about 10 from candidates. As I think I explained in our submission, we took a bit of a gamble in speaking on behalf of candidates. We speak on behalf of residents, but we gave candidates the opportunity to have a say via our submission. Some said that they were going to do submissions but I have noticed that, no, they have not. Also in terms of candidates, we were sending information to their candidate email addresses. Many candidates had probably not looked at that since the election, given the passage of time. Although we were somewhat disappointed, we were not surprised in that (a) we were stepping outside what was our area of influence and (b) they were probably engaged in other things after what happened through the election campaign. We were very pleased that, with a membership of some 40 groups, over 50 per cent responded to the questionnaire. As far as candidates were concerned, we had done a detailed survey question to every candidate across the Sunshine Coast and Noosa—in excess of 60, close to 70 candidates—and many of those candidates had responded about election topics. To some extent, they may have been surveyed out.

**Mrs McMAHON:** Looking at some of the survey results, specifically there is a comment about the telephone voting results. Your survey respondent has indicated that the results from Brisbane were slow and 'aroused suspicion when added to the count'. Are you aware of what those issues were and where that suspicion may have come from?

**Ms Hobson:** I think that related to one of our members who is a resident of Brisbane and the Sunshine Coast—he commutes between both—and he was following particular wards in Brisbane and also following the vote on the Sunshine Coast. He was finding that there were difficulties in relation to putting both of those things together. Part of that was probably the confusion he felt in terms of the usability of the website which did not impact others who were not doing cross-forms. It was his opinion that there was a problem with that, but he did not elaborate any further. I can find out and report back later to the committee with more detail on that if you would like.

**CHAIR:** Thank you. We will deal with that at the conclusion.

**Ms Hobson:** Yes, thank you.

**CHAIR:** There being no further questions, that brings to a conclusion this part of the hearing. We would appreciate your response to the question taken on notice to be provided by the close of business on Wednesday, 20 May, please.

**Ms Hobson:** Yes. That is directly to the committee secretary?

**CHAIR:** Yes, please. If you need to check the wording of the question, there will be a transcript to refer to.

**Ms Hobson:** I shall do, Chair. Thank you for that.

**CHAIR:** Thank you for your attendance and written submissions.

**Ms Hobson:** Thank you very much. All the best to the committee in its deliberations. Our thanks to the committee for establishing the inquiry. Also we give thanks to the ECQ for the work that they did under difficult circumstances. Our comments are to assist them in the future to be able to manage such situations because, as we all know, we probably are likely to see more of the same. Thank you again for the opportunity to present to the committee.

**CHAIR:** Thank you.

**HACKWOOD, Ms Lynne, Private capacity (via teleconference)**

**CHAIR:** Good afternoon. I invite you to make a brief opening statement, after which committee members will have some questions for you.

**Ms Hackwood:** Thank you, Mr Chair. I have over 30 years experience as an information technology executive, a chief information officer and a project director working in government and semi-government entities. I have led projects and delivered more than 15 major school systems, customer service systems, finance and HR payroll systems. I am a specialist adviser on the Electoral Commission's Election Gateway Project Steering Committee and have attended monthly and, as we got closer to the elections on 28 March this year, fortnightly meetings. The key focus of these meetings was risk analysis, reporting and monitoring of the project. My contribution to this inquiry is related to my knowledge of the ECQ new system development in preparation for the election. This major system build was to replace the old strategic election management system, SEMS, which had been implemented in 2006 and had been modified to the extent that it was not considered upgradable to meet the Queensland government's future election needs.

The development of the new election management system, EMS, commenced in 2018 and was the system used to underpin the March 2020 elections. The system development was impacted by a number of issues such as major changes to the Local Government Election Act 2011, which were finally approved in November 2019, and COVID-19. I can assure the committee that the new ECQ election management system performed as required for pre-election, pre-voting and election voting and that system data was accurate. It was unfortunate that a problem was encountered with the publishing of results to the ECQ website.

**Mr LISTER:** Ms Hackwood, thank you very much for your appearance today and for the submission you have provided. Given the controversy over the reporting of results by the ECQ and the number of people who were wanting to see results on the night but did not, would you say that the ECQ provided the taxpayer with value for the money that it spends on preparations for and the conduct of elections?

**Ms Hackwood:** I think there are two issues here. One was that when we went to the election we were not of the expectation that we were going to encounter a problem. To develop a new system that covered all of the election management requirements for the local government election, I think that delivered value for money. The disappointment was that the technology interface between the system and the website failed on the night. Most systems have a glitch when they go live. It is very disappointing that that occurred, but I do not think it necessarily reflects value for money.

**Mrs McMAHON:** The ECQ's original briefing indicated that with the new EMS the results website module comprised less than 10 per cent of the EMS's total functionalities. In your submission you acknowledge that there were a number of changes made to legislation in 2019 and that it had impacts on finalising the EMS. Did any of those legislative changes actually have an impact on the results and website management aspect of the EMS?

**Ms Hackwood:** To be honest, I do not have a 100 per cent definite answer. There were over 80 changes that were as a result of legislation, but there is the question of what the linkages are to reporting. We have to push the election data through to produce the reports in the format needed by the stakeholders, whether they be media, members or the general public. I do not know whether that changed, but the data that we were pushing through would have been impacted by the changes that were made to legislation.

**Mrs McMAHON:** When we compare the type of data that was being published under the old SEMS to the new one, can you outline to the committee whether there were any significant changes in the type of data or quantity of data that was to be published under the new system that was not already under the old SEMS system?

**Ms Hackwood:** There were definitely some changes in data as a result of the legislative changes. I cannot specifically give you a list of them as we are speaking now. The general reports were reviewed, as they are each election, with an idea of what is required for output in each election. The website was actually producing reports. The issue was about getting the data out of the new system and feeding it into the website so the reports could actually be generated.

**Mrs GERBER:** In your submission you informed the committee that at the last minute you had to develop an alternative system. Can you tell the committee at what cost you estimate the development of a whole new system came at?

**Ms Hackwood:** It was not at the last minute. We had planned to develop a system and that was approved by government and we commenced in 2018, which would normally give us time to produce a system and test it thoroughly and have an expectation that we were in a very comfortable zone.

Because of the legislative changes and the need to be implementing those so late in the piece, in the last four months—normally you would be into testing your system and we were still implementing changes at that time—the risk was far higher.

The ECQ actually focused on functionality according to the stages—so candidate and party initially, then elector and associated capability next, and the last area that was focused on was reports, because that is the next step as we went. Obviously, we were testing that functionality very late in the piece—within the last six weeks and four weeks before go live. We were not comfortable with what had been delivered in the new system so we had to consider what our options were. Could we do anything with the SEMS system? The answer was no. What we decided to do was use a spreadsheet so that we could upload the information into the ECQ website. The upload of that information did not work and that is where we encountered our problem. It took three hours for analysis and fixing. That was very disappointing; however, the data was accurate and that is the critical point, I think, in terms of where we go.

What the system has actually cost has been reported to Treasury. It is available in the ECQ submission, I think. I would have to go back and get my papers out which would take some time in this situation. If you do not have it, I am sure Pat Vidgen would be prepared to provide that to you.

**CHAIR:** My question is two-pronged. The first is that local government elections are very different to the state election.

**Ms Hackwood:** Have you got a second part to that question or do you want me to comment on that?

**CHAIR:** Could you comment on that? Then I will lead into the second part.

**Ms Hackwood:** I am happy to. We have talked and we have estimated that in elections there is probably about an 80 per cent fit in the general management of an election. There are differences certainly between running a state election and running a local government election or a union election—whatever it is that you are going to do—but that capability would normally be designed into the system.

**CHAIR:** Is it unrealistic to expect a booth-by-booth result indicating the local government divisions that we have?

**Ms Hackwood:** I do not believe that would have been an issue. That data is collected. It is whether or not that has been an agreed reporting decision, but we certainly collect the data as it is returned by the booths.

**CHAIR:** If it is an agreed measurement then it would be available on the website?

**Ms Hackwood:** I would think it is. I am saying that technically it would be possible. It would be up to Pat Vidgen and his team as to whether that was a required reporting output, but we certainly get information in that way.

**CHAIR:** There any no further questions at the moment. Ms Hackwood, we have a couple of minutes if you want to add anything else.

**Ms Hackwood:** I would just like to make a future comment, if I could. In my opinion, the necessity to implement those legislative changes reduced the amount of time to do the thorough testing that you would normally do, because we were trying to do development and testing in parallel. There is some talk about more legislative changes and the next election is coming up in October. Your ideal would be that three to four months ahead of time you have finished all your development and you are in testing. In that way, you can have a confidence level that you can test everything, including your report output.

My understanding is that there is discussion about changes to legislation. It is hoped that, with COVID-19, those will get approved by the middle of the year. I just want to raise the fact that the risk profile for the election running smoothly is increased if we are introducing changes at the last minute, so the sooner we get those changes approved the lower the risk profile is for being able to deliver all of the capability that we need from the system, including the reporting output.

**Mrs GERBER:** Ms Hackwood, just out of that observation you have made, do you think the short time frame that was provided to do the testing as a result of the legislation that was passed adversely affected the outcome of the March election?

**Ms Hackwood:** I do not think it affected the outcome of the election, but I do think it affected our ability to get 100 per cent confidence or as close as we possibly could to it because we were doing testing in parallel. Yes, that is my opinion.

**Mrs GERBER:** Is it your opinion that if amendments were passed earlier that would have helped significantly in the process?

**Ms Hackwood:** I would definitely say that. I have done major projects across government for years. I really think the aim for every new large system being implemented in government is to have the last three to four months as just purely testing, not implementing new functionality.

**CHAIR:** There being no further questions, that brings to a conclusion this part of the hearing. I would like to thank you for your attendance and for your written submission.

**Ms Hackwood:** Thank you.

**FECHNER, Mr Chris, Chief Customer and Digital Officer, Department of Housing and Public Works (via teleconference)**

**STOKES, Mr Andy, Acting Executive Director, Office of Assurance and Investment, Department of Housing and Public Works (via teleconference)**

**STOWER, Mr Dallas, Acting Deputy Director-General, Transformation and Enabling Technologies, Department of Housing and Public Works (via teleconference)**

**CHAIR:** Good afternoon. I invite you to make a brief opening statement, after which committee members will have some questions.

**Mr Fechner:** Thank you, Mr Chair. Thank you, committee, for allowing me to present this submission. I am the Chief Customer and Digital Officer, a newly created and appointed role in the Queensland government. The purpose of this role is to make sure that we are investing effectively for both customer and digital outcomes. As part of this role, the Office of Assurance and Investment is in here, as well as many of the service delivery functions that are done on a whole-of-government basis, such as the Government Data Centre through CITEC. Dallas Stower looks after largely the technical platform services and many of the project management delivery functions. Andy Stokes looks after the assurance function, which looks at the investment readiness for any digital investment.

I would like to commence with a brief history of the governance of the Electoral Gateway Project, which oversaw the delivery of the election management system. It is probably fair to say that from the commencement of the project there were unforeseen issues around the degree of customisation that was needed to support Queensland's specific needs around election management which exposed some issues around the maturity of both the supplier—the Konnech supplier that was actually delivering the changes associated with the software—and the original project implementation team. This led to an escalation early on in the project life that resulted in an escalation that saw a reboot of the project with a new commissioner and a new project board. The project board was made up with some external expert advisers, including Dallas Stower and Andy Stokes.

This new reboot of the project did progress things towards a more effective understanding of the delivery and addressed many of the issues that were causing the project to flounder originally. However, even with the revised scope and the changes in the governance structures, the speed of the election management solution was still probably behind expectations of the body. In March 2019, the introduction of changes to the Electoral Act also added complexity to the existing slower-than-expected delivery of the solution, with an unknown impact to the schedule.

From that period after the reboot, however, there was strong evidence of governance in the project. This was evidenced in a couple of places, including an independent health check that was commissioned in March 2019, the intent of which was to look at how we could deliver a successful local government election with a minimum requirement. This was undertaken and a proposal was put forward. Notwithstanding that proposal, the time frame for the delivery of that system left very little scope for delays or slippages. That brings us more into the close time to the election.

In January 2020, COVID-19 arose as an unpredictable issue for the project. Development progress was significantly impeded when the development resources who were located in Wuhan in China were forced into lockdown. This caused an impact on both the quality and the capability of delivery of those services. However, despite that tight time frame, the impact of the changes to legislation and the COVID-19 lockdown requirements in China, the minimum features for the local government elections were delivered by March 2020. I point out that this is a very strong recovery from the position in February 2018.

However, on 21 March, stress and vulnerability tests that were undertaken by ECQ revealed unacceptable weaknesses in the election results module of the EMS solution. There is a very low tolerance in accepting risk in this area, with historical attacks such as on the Commonwealth census. Denial of service was one of the vulnerabilities that was exposed in this testing. As a result, ECQ worked rapidly to deliver an alternative solution that could be safe and secure in a scalable environment that would utilise the existing data feeds that were being delivered through the election management system. While it is true to say that this was rapid development and testing for the alternative solution, it is also true to say that there was insufficient time to exhaustively test this solution. This required ECQ to put in place some alternatives that supported it.

Rather than thinking that the testing was going to be exhaustive and nothing would go wrong, ECQ was very proactive in putting in place very rapid response capabilities to quickly identify and fix unexpected events on the election day. Unfortunately, these did occur. On closing of the election and Brisbane



the start of use of the system, data format errors and load sequencing errors did create an impact that took a number of hours to resolve. Then there were knock-on impacts for the website such that it took until about 11 pm on the Saturday to publish the preliminary results.

As a result of these issues on the night of the election, in the early hours of 29 March the Electoral Commissioner sought assurances from me, through HPW, on continuing to use the election results web solution that had been fixed as at 11 o'clock that night. Through my team working closely with the ECQ technology staff, I was able to offer that assurance, that they had actually remediated the data loading and sequencing issues. It was also at this point that the commissioner and I discussed the steps that we would need to put in place to ensure that the issues surrounding the local government election would not repeat in the state government election.

To this point, the Electoral Commission and HPW, along with other technical and agency partners, including the Department of Justice and Attorney-General, have been working and collaborating on a working plan leading up to the state election. Importantly, from my position, this includes the creation of a technical working group that is to safeguard the delivery of the election management system solutions for the state government election. To the point of the timing for that, we are also looking at making sure that we have solutions that are well clear of the election date. The local government election changes were being made right up to the very point of the election, whereas this plan that we are working on with the Electoral Commission now really has us with a very long lead time of completed developments in place such that we have a full testing capability and a full support capability of the solution leading up to the state government election.

**Mr LISTER:** Thank you, Mr Stower, Mr Stokes and Mr Fechner, for your appearance today and for the department's submission. Mr Stower, you were saying that about two months out from the election you were called in to provide advice regarding the reporting functionality. Is that what you were referring to?

**Mr Stower:** Yes, my role in the Electoral Commission system was on the steering committee. I have been on the steering committee since about 2018. We were across the issues in respect of the results module from Konnech, and that was fully discussed in terms of looking at alternative solutions to the Konnech solution.

**Mr LISTER:** I just wanted to clarify whether I correctly understood what I heard before. Sorry for that. Thank you. Obviously this is a fairly big deal for you to be involved at your level. Customarily, how high up the chain is a matter like this briefed? Does it go to the minister, for instance?

**CHAIR:** Before you answer that, can I clarify: is that something you are comfortable answering?

**Mr Stower:** Yes. The normal status of projects would not be something that is briefed up to the ministerial level. Only if there are deemed to be significant risks associated with an ICT system would that be the case.

**Mrs McMAHON:** The submission outlines a significant number of issues with the project that go back to quite early in the project, certainly before the new commission staff that are in there, but it also identifies the impact of Electoral Act changes on the project. In their submission the ECQ indicated that the publication of electoral results on the website comprised less than 10 per cent of the project scope. Are you able to identify which particular changes or amendments to the Electoral Act had an impact on how results were published or presented on the website?

**Mr Fechner:** In answering this I may defer part of it to my colleagues who are on the steering committee. As I have seen from all of the documentation, the changes to the legislation around the elections resulted in changes to other modules associated with the disclosures capability that is really on the front end of the election. However, systems have strong dependencies across the different modules, and changes in individual models often have consequences in other areas.

There was a minimum viable requirement for solutions to be built for the local government elections. The changes that were proposed in March and then made clearer in June, and then passed in legislation that year, did have an impact on the development. That meant that resources that were doing work on other modules were put back into different modules to make sure that those things were available for the election. As a result, the integrations between those things needed to be retested, which creates quite a significant impact on the work schedules. Whereas the work that was actually done on the election results component was not directly as a result of the legislation, there were consequential impacts on the resourcing and testing capabilities with the modules to make sure that it all still fitted well together.

**Mrs McMAHON:** I go back to your opening statement, when you identified that the impact of COVID-19 was a previously unaddressed risk to the implementation of the project. As part of project management, do unforeseen risks normally factor into the scope of projects and redundancies right at the beginning of a project time line?

**Mr Fechner:** Yes. All projects will put contingencies in place. As I stressed, at the reboot of this the schedule to meet the election day requirements with the new election management system were in fact already tight. The work that was undertaken probably in the first part of the project would have led to loss of efficiency. The lack of understanding of the degree of customisation and the lack of maturity from both parties in delivering those enhanced features of the solution would have eaten up much of the contingency. It was considered on the original project time frame, and then with an event that is almost a force majeure event, such as COVID-19 and the impact of the lockdowns and the speed at which that occurred, it was really, I think, an additional impact on the project schedule that was already under duress.

**Mrs GERBER:** My question harks back to the amendments to the Electoral Act. In your submission at the top of page 2 you mention—

... in March 2019, a potentially significant and unknown change of scope, resulting from amendments to the *Electoral Act 1992* Act became the most significant threat to project success.

Can you talk us through what consultation the Attorney-General had with your department about the proposed amendments as they were then? If there was consultation, do you consider that it was adequate?

**CHAIR:** My understanding is that you are not able to speak on behalf of the Attorney-General. Am I correct?

**Mr Fechner:** I think probably the most significant fact is that I started in February 2020, so the information that is provided in the submission on the historical nature was provided in consultation with my staff. I cannot answer a question as to the consultation.

**Mrs GERBER:** Did you want to take it on notice as to whether or not there was consultation?

**CHAIR:** No. I do not think it is an appropriate question that can be taken on notice because you were not part of the consultation. Is that correct?

**Mr Stokes:** Yes, that is correct. The consultation was between the ECQ and the Attorney. We were just providing technical advice to the software development project. We were not directly part of the consultation regarding the changes to the act.

**CHAIR:** This question can be answered by anyone who feels that they can assist the committee. What is your understanding of the availability in the marketplace of an election management system and how that might be a factor in the selection of the Konnech product?

**Mr Fechner:** I will start and then I may ask my colleagues to provide some additional advice. In terms of the number of solutions that sit in the marketplace, there are in fact a number of commercial solutions that support election management. They are dependent on a number of aspects including the jurisdiction and the controls that are in place.

My understanding of the way that the Konnech system was done was through a long engagement with the marketplace to look for possible solutions. Then there was an evaluation process that went through looking at a number of suppliers, short-listing to a smaller number. Then finally, through matching to known requirements as at the time of contracting, Konnech was selected as the successful vendor, but it was through a marketplace search to start with and then going through a formal request for offer and then a contracting phase.

**Mr Stower:** In terms of an electoral management solution, whilst there are some vendors in the marketplace, there is not a very extensive range of suppliers. A number of years ago ECQ did go through a market request process to put their requirements to the market. From my understanding and memory, two vendors were short-listed for more detailed evaluation and Konnech, on the basis of the requirements and their response to that market request, was the successful vendor to put forward their solution for the EMS project.

**Mr Stokes:** This was prior to my involvement in the project, but my understanding when I joined was that they had sought options throughout the world but they only managed to find three actual suppliers capable of submitting a tender and only two of them chose to. It was quite an extensive process and it talks to it being a complex piece of software and not a lot of readily available suitable solutions.

**CHAIR:** Are you able to venture an opinion in terms of the local government election and the two by-elections in that do you think the automated system will address the delays in the results being published on the website?

**Mr Fechner:** In answering that question, one of the key aspects that I would like to bring up is that we are working very closely with the Electoral Commission to ensure that we have an understanding of the type of election that is going through. The impacts of COVID-19 and social

distancing will have an impact on how the election is run. If the election is run in the general ballot perspective then we are working on the scenario that the solution that we use for posting the electoral results will not be the one that we used during the local government elections. The proposal is that we are moving forward with the core component from the Konnech electoral management system.

Our work for the months leading up to the election is ensuring that that solution has all of the issues associated with the security vulnerabilities and the load performance addressed well before the election and also ensuring that the mechanisms to load the data, which inherently still have a manual component from the ballot aspect leading into a system import—making sure that the process that looks at how that data is taken from the physical realm and put into the environment where it is loaded into the system—eliminate the issues that we saw on the night of the election which were effectively some data formatting issues and some data sequencing issues. We are working very much to have that system fully tested, including all the stress testing, well before the date of the election such that there can be a degree of confidence provided to everyone that there will not be a repeat of those events.

**CHAIR:** That brings to a conclusion this part of the hearing. We thank you for your attendance and for your written submission.

**BOHNEN, Mr Stephan, Lead Intergovernmental Relations, Local Government Association of Queensland (via teleconference)**

**HALLAM, Mr Greg, Chief Executive Officer, Local Government Association of Queensland (via teleconference)**

**CHAIR:** Welcome. I invite you to make a brief opening statement, after which the committee members will have some questions for you.

**Mr Hallam:** The LGAQ is the peak body for Queensland's 77 councils. We appreciate the opportunity to make a submission to the Legal Affairs and Community Safety Committee's inquiry into the conduct of the 28 March 2020 elections. The LGAQ would like to acknowledge the extension provided by the committee to prepare this submission and the efforts of member councils given the limited time frame and the broader issues being managed at this time due to the COVID-19 pandemic.

To inform this submission, the LGAQ called for submissions from member councils and received them from the following councils: Balonne Shire Council, Brisbane City Council, Cairns Regional Council, Central Highlands Regional Council, Charters Towers Regional Council, Fraser Coast Regional Council, Goondiwindi Regional Council, Isaac Regional Council, Mackay Regional Council, Noosa Shire Council, Quilpie Shire Council, Redland City Council, Scenic Rim Regional Council, South Burnett Regional Council, Townsville City Council, Torres Strait Island Regional Council and Whitsunday Regional Council. I think you would agree that that is a significant cross-section of councils. The LGAQ also conducted a comprehensive survey of all elected members—and we delineated between mayors and councillors—as well as council CEOs.

In our view, the remit of the committee's inquiry is very narrow and does not extend to the full scope of the electoral process. The LGAQ has therefore focused its in-scope submission in two key parts. Part A seeks to highlight the importance of understanding the broader ecosystem in which elections take place to ensure resourcing, communications and risk management are effectively prioritised and undertaken. Part B relates to the administrative process and technical proficiency in the delivery of an election and the publication of the results.

Out of scope but for the benefit of the committee, the LGAQ has provided part C to place on the record broader strategic considerations that impacted on the delivery of the 2020 elections and an appendix as a summary of the direct feedback received and data gathered on matters by member councils and candidates. Should the committee's mandate be expanded at some future point, the LGAQ would be pleased to elaborate and provide further detailed analysis.

In terms of the history of local government elections in Queensland, local government elections have been conducted under the Local Government Electoral Act 2011. This act closely aligns local government electoral arrangements with those applying at state government elections in Queensland. Under this act, the ECQ conducts all local government quadrennial and by-elections.

The 2008 local government election was the first instance that local governments did not conduct their own elections. The previous local government reform process established that the ECQ would take on that role. Prior to 2004, only Brisbane City Council elections had been conducted by the ECQ. I should note that I have been an assistant returning officer and a returning officer for three council elections whilst I was employed as a council CEO or deputy CEO.

In 2016 the cost to councils for the ECQ conducting the elections was \$16 million, offset by a \$3.7 million discount in shared savings with the state government arising from the fact that the referendum on four-year terms for the state parliament was held in conjunction with our elections. The estimated costs of the 2020 election, with the impact of COVID-19 yet to be factored, were more than double, with costs passed directly on to local governments and their communities. The final figure will be somewhere between \$27 million and \$29 million.

Following the 2016 election, the Soorley review was undertaken in response to the large number of complaints from local government and the community about the conduct of the election. Indeed, we know there was also the Belcarra inquiry that touched on some of these matters as well. A broadscale review examined the conduct of the poll, communications, adequacy of processes and planning for the election, as well as the adequacy of arrangements for the delivery of voting and counting processes.

The review recommended the ECQ overhaul its management, communication and accountability systems and processes. Disappointingly, despite the government accepting the Soorley review's recommendations and committing to their implementation ahead of the 28 March 2020 local government elections, in truth not much has been improved. As a matter of record, the submission made by the LGAQ following the last election does not differ greatly from the one we have put before you today, Mr Chairman.

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In terms of the impact of COVID-19, we do acknowledge that the impact of this global pandemic could not have been anticipated in the planning and risk management processes undertaken by the ECQ. While the discussion in this submission would remain unaltered if COVID-19 did not feature, it needs to be acknowledged that against this background the delivery of the election had to be balanced against the management of a public health priority and the need to have citizens vote on the day. We express gratitude for the prudent management and pragmatism shown during this time. That gratitude extends to the Chief Health Officer of Queensland, Dr Jeannette Young.

In terms of the future of local government elections, it is the view of the LGAQ that the scope of this inquiry is too narrow and does not afford effective consideration of the multitude of issues that impacted the delivery of the election. Many of these issues are recurring and have been the subject of previous inquiries. After every quadrennial election, the local government sector is forced to conclude that recommended improvements are not delivered. Regrettably, this is again the case, despite the considerable personal efforts and engagement by the current ECQ leadership with the LGAQ. I thank Mr Vidgen and Mr Lewis for their genuine and honest attempts to conduct the election.

The impact of these continued and systemic failures has implications on the overall confidence of not just the system of local government but indeed all levels of government. The LGAQ would like to put forward the following recommendations for the consideration of the committee and the Queensland government. Recommendation 1 is that a broader inquiry be undertaken into the conduct of the 2020 local government elections to allow for the canvassing of all relevant issues including systematic analysis on how the 74 recommendations of the 2017 Soorley report were implemented and what impeded their successful execution.

Recommendation 2 is that options be examined—and I stress the word 'examined'—in consultation with the LGAQ and councils for the delivery of the 2024 elections including providing councils with the choice to conduct the elections themselves or engage a pre-approved supplier. As I said—and I will repeat for a third time—we call for an examination of that potentiality.

Recommendation 3 is that if current monopolistic arrangements are to continue then consideration needs to be given to putting in place performance arrangements with the ECQ and for the delivery of the election to be fully state funded to ensure these contracted expectations are delivered. Recommendation 4 is that a memorandum of understanding be developed between the LGAQ and the ECQ to ensure a reasonable level of communication is provided to the local government and key stakeholders so that all can have clarity of expectations and performance levels required.

Finally, recommendation 5 is that the Independent Council Election Observer, which the LGAQ initiated and which was in place for this election—the first time that has been done in Australia's political history—be independently funded and resourced accordingly to continue with the positive impact its presence had on the election. That is my submission in chief.

**Mr LISTER:** Thank you, Mr Hallam, and your staff for appearing today. I refer you to page 13 of your submission. You expressed that consultation with the ECQ was not satisfactory in regard to their listening to suggestions to keep the costs down. Would you say that councils and therefore ratepayers received value for money from the ECQ's stewardship of the recent local government elections?

**Mr Hallam:** No, they did not.

**Mrs McMAHON:** What features would you recommend be part of the ECQ website for publishing results that gives a level of fidelity, clarity and confidence to not only council candidates but also the greater public?

**Mr Hallam:** We actually ran a website ourselves right up until this election. We had independent access to the data. Obviously we used the ECQ data, but we had access to council officers who might be in attendance or, indeed, the candidates themselves or even their scrutineers. I am happy to further submit that software. It gave people a real-time, up-to-date view. It was able to tell people, as though they were watching one of the major TV channels, graphically where the changes were occurring in Queensland, how many new elected members there were, whether they were female, how many were returned. It gave the sort of political analysis that we are all used to on election night from the major TV stations. That is the level of data that we believe the website needs to have to be really useful. This is an important event. It is the election of the third sphere of government in the state. It is important in people's lives, let alone to those contesting the election. I am happy, if you are willing, Mr Chairman, to make a further submission on just exactly how we did that.

**CHAIR:** Yes. As you have indicated, there is a fairly tight time line. We would need that to be provided to the secretariat by Wednesday, 20 May.

**Mr Hallam:** We will do our best endeavours, Mr Chairman.

**CHAIR:** I will deal with that at the close of this session. You may or may not have heard Antony Green this morning at the hearing talk about the publication of both the preliminary and formal counts on the ECQ website. Does the LGAQ have a view on both the preliminary and formal counts being published on the ECQ website?

**Mr Hallam:** Yes, I do. I did not hear Mr Green, but I have understood what he has said in various online comments he has made. We think that is a useful thing to do. Again, as a former council returning officer in a large local government—Townsville City—we would have conducted most of the count on the night of the election, to be honest. There seems to be a view that you do not do a formal distribution of preferences until the last ballot paper comes in—which, as we know, is 10 days. For people like me and people of my ilk, we would start that notional distribution on the Friday. If the last day for the ballot paper was the Tuesday—that is assuming the gap between the candidates was smaller than the outstanding votes that could come in—we would do that notional distribution on Saturday, Sunday, Monday and Tuesday such that whatever votes came in in those last few days—which is normally very few votes—could be distributed. To wait the full 10 days and to not use or avail yourself of that time over four days to do that notional distribution I think slows the whole process down.

**Mrs GERBER:** Mr Hallam, I refer you to page 13 of your submission which outlines the issues you identified in the Soorley review—in particular, that the ECQ is under-resourced to handle the complexity of local government elections and the ECQ's IT system was not able to handle the data load on the day. In your opinion, has the ECQ rectified these issues or do you think these issues were worse for the recent 2020 council elections?

**Mr Hallam:** I think they are a different set of issues. That said, if we are designing systems, obviously we test them and test them and test them and with huge amounts of data. There is no getting away from the fact that there is no other election like council elections—1,500 candidates for 578 positions and all sorts of different ways of counting votes or different systems of voting depending on where you are. That has been the case forever and a day. That is a known. As I said, in my time as a council CEO we could conduct these pretty quickly and efficiently. I understand the argument full well about potential conflicts of interest. I think the idea that this happens once every four years is part of the problem—not enough resourcing and effort goes into it. It still staggers us that the IT system did not work on the day. That sort of thing you would be checking and double-checking and rechecking right up to the last moment.

**CHAIR:** There being no further questions for representatives from the Local Government Association of Queensland, that brings to a conclusion this part of the hearing. We thank you for your attendance and for your written submission. In relation to your offer of making a further submission, we ask that that be provided to the secretariat by close of business on Wednesday, 20 May so that it can be included in our deliberations. If you need to check the wording of the question, please refer to the broadcast or the transcript or to the secretariat.

**Mr Hallam:** Thank you, Mr Chairman.

**CHAIR:** I will now close the hearing. I would like to thank all witnesses who have appeared today. I would like to thank the secretariat staff and also Hansard. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public hearing for the committee's inquiry into the Electoral Commission of Queensland's online publication of preliminary and formal counts of the votes cast in the local government elections and state by-elections held on 28 March 2020 closed.

**The committee adjourned at 1.59 pm.**