



Western Australia

Electoral Affairs Bill 2023

Explanatory Memorandum

The *Electoral Affairs Bill (2023)* focuses on introducing and amending methods of management and acts of authority of The Western Australian Electoral Commission and Western Australian Local Governments to maximise both transparency and sustainability.

Western Australian Local Government predominantly conduct in person elections with an option for postal voting, however such a system lacks accessibility, transparency and sustainability which is reflected by the voters' participation being a lacklustre 30.2% in the 2021 elections. Hence, it is imperative to explore sustainable alternatives that enhance the transparency of candidates and the efficiency of the voting and election processes. Additionally, the existing roles and management of Local Government Councils suffer from pay gaps and discrepancies that discourage prospective candidates from pursuing the positions and de-incentivises the need for local councillors to invest time and energy into supporting and leading the community. Western Australia should be given the confidence to make informed decisions, and those decisions must result in dedicated governance of Local offices and council.

Part 1 of the Bill addresses the administrative requirements.

Part 2 of the Bill introduces a digitalised election process that allows the Western Australian Electoral Commission to authorise the implementation of an online voting system, the use of touchscreen electronic voting machines and the provision of collated candidate information on an electronic guide. Together, these processes will increase the efficiency, accessibility, accuracy, and sustainability during Local Government elections. The execution of these digitalised election processes will become a duty of The Western Australian Electoral Commission whom of which are responsible for ensuring the security and accuracy of the electronic systems procedures are always upheld.

Part 3 of the Bill amends existing legislation to increase the transparency of candidates running for Local Government offices by requiring candidates and electoral material to disclose their affiliations with political parties and unions. In some cases, candidates' affiliation to certain party's or unions can cause similar beliefs and values to influence practices and decisions made in Local Government. Hence, full disclosure of such will ultimately allow the community and its people vote for how they would like their local government operated. Transparency in election campaigns provides Voters with access to information regarding candidate affiliation, support and potential influences, allowing for broader public insight into candidates. In addition, Part 3 also revises and replaces terminology and duration of Local Government terms to better suit the evolving needs of the community.

Part 4 of the Bill consists of three divisions that aim to bring about changes in the function and structure of Local Government in Western Australia. The purpose of Division 2 is to

add more transparency to the process of band allocation, which in turn affects the salaries of LGA Chief Executive Officers and Elected Members, and make local governments more accountable to the process, which is currently solely run by the Minister. Division 3 The purpose of this Division is to restrict the arbitrary benefits a LGA CEO can claim within their TRP, which are unnecessary for the functioning of the role. The Division also reduces the overall TRP of a CEO. Currently, a handful of LGA CEOs earn more than the Premier of Western Australia; this Bill narrows this exorbitant gap while allowing for future changes. Division 4 aims to raise the annual salary of LGA Councillors and provides direction on where the funding for salary increases will be sourced from.



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Electoral Affairs Bill 2023

A Bill for an Act to; introduce online voting, require local government candidates to disclose their political and union affiliations on campaign material, require local governments conduct postal voting; reduce the frequency of local government elections to three years; reduce the term of elected local government office bearers to three years, create a pathway for local governments to apply for more state funding; reduce rewards package benefits for a local government CEO, and increase benefits for elected local government office bearers.

Part 1 — Preliminary

1. Short title

This is the *Electoral Affairs Act 2023*.

2. Commencement

This Act comes into operation on the day on which this Act receives the Royal Assent (*assent day*).

Part 2 — Online Voting

3. Introduction of Online Voting

- (1) The Electoral Commission shall be authorized to conduct elections using online voting systems.
- (2) The online voting systems shall be designed and tested to ensure accuracy, reliability, and security of the voting process.
- (3) The online voting systems shall include appropriate measures to verify the identity of voters and to ensure the secrecy and integrity of the voting process.
- (4) The online voting systems shall provide a receipt or confirmation to each voter to verify that their vote has been recorded accurately.
- (5) The Electoral Commission shall provide training for election officials and voters on the use of online voting systems.
- (6) The Electoral Commission shall implement appropriate security measures to prevent hacking or tampering with the online voting systems or the voting process.
- (7) The Electoral Commission shall conduct post-election audits to verify the accuracy of the vote count and address any issues or discrepancies identified.
- (8) The use of online voting systems shall be subject to ongoing review and evaluation to ensure the effectiveness, efficiency, and fairness of the voting process.
- (9) The Electoral Commission shall provide alternative voting methods for voters who are unable or unwilling to use the online voting systems.
- (10) The online voting systems shall be made accessible to all eligible voters, including those with disabilities or limited English proficiency.

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4. Touchscreen Electronic Voting

- (1) The Electoral Commission shall be authorized to conduct elections using touchscreen electronic voting machines.
- (2) The touchscreen electronic voting machines shall be designed and tested to ensure accuracy, reliability, and security of the voting process.
- (3) The touchscreen electronic voting machines shall provide a printed or electronic receipt for each vote cast, which shall be used to verify the accuracy of the vote count.
- (4) The Electoral Commission shall provide training for election officials and voters on the use of touchscreen electronic voting machines.
- (5) The Electoral Commission shall implement appropriate security measures to prevent hacking or tampering with the touchscreen electronic voting machines or the voting process.
- (6) The Electoral Commission shall conduct post-election audits to verify the accuracy of the vote count and address any issues or discrepancies identified.
- (7) The use of touchscreen electronic voting machines shall be subject to ongoing review and evaluation to ensure the effectiveness, efficiency, and fairness of the voting process.

5. Electronic Voter Information Guides

- (1) The Electoral Commission shall be authorized to replace paper-based voter information guides with electronic voter information guides (**EVIGs**) in all future elections.
- (2) The EVIGs shall be designed to provide voters with clear and comprehensive information about candidates, ballot measures, and other election-related information.
- (3) The EVIGs shall be accessible to all eligible voters, including those with disabilities or limited English proficiency.
- (4) The Electoral Commission shall implement appropriate measures to ensure the security and integrity of the EVIGs, including measures to prevent hacking or tampering.
- (5) The EVIGs shall be made available through a web-based portal or other electronic means and shall be compatible with a variety of electronic devices, including computers, smartphones, and tablets.
- (6) The Electoral Commission shall provide training and support for election officials and voters on the use of EVIGs and shall make alternative arrangements for voters who are unable or unwilling to use electronic devices.
- (7) The use of EVIGs shall be subject to ongoing review and evaluation to ensure their effectiveness, efficiency, and fairness in providing voter information.
- (8) The use of paper-based voter information guides shall be phased out by a date set by the Electoral Commission, no later than 4 years after assent day, with EVIGs to be used exclusively in all future elections thereafter.
- (9) The Electoral Commission shall be responsible for implementing this clause and shall have the authority to take any necessary measures to ensure compliance.

Part 3 — *Local Government Act 1995* amended

6. Act amended

This Part amends the *Local Government Act 1995*.

7. Section 4.52 amended

In section 4.52(3) insert:

- (f) the political party, if any, the candidate is affiliated with; and
- (g) the unions, if any, the candidate is affiliated with.

8. Section 4.61 replaced

Delete section 4.61 and insert:

4.61. Method of conducting election

- (1) The election shall have two voting methods—
 - postal voting* which is a voting method at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; and
 - in person voting* which is a voting method at which the principal method of casting votes is by voting in person on election day.
- (2) The local government is required to offer postal voting as well as in person voting.
- (3) If the local government does not hold the postal voting method, the Western Australia Electoral Commission shall take over at the expense of the local government.
- (4) For the purposes of this Act, the postal voting for an election is to be regarded as having been held on election day.

9. Section 4.87 amended

Delete section 4.87(1)(a) and insert:

- (a) in the case of all electoral material, the name, address (not being a post-office box), political party and union affiliations of the person who authorised the electoral material appears at the end of the electoral material; and

10. Terminology replaced

In the *Local Government Act 1995*—

- (a) delete “postal election” (all instances) and insert:

postal voting

- (b) delete “in person election” (all instances) and insert:

in person voting

- (c) delete “2 years” (all instances) and insert:

3 years

- (d) delete “4 years” (all instances) and insert:

3 years

Part 4 — Miscellaneous provisions

Division 1 — *Local Government (Administration) Regulations 1996* amended

11. Regulations amended

This Division amends the *Local Government (Administration) Regulations 1996*.

12. Regulation 19AF amended

Delete “CEO” and insert:

State Government

Division 2 — Alterations to the Local Government Band Allocation Model

13. The role of the Salaries and Allowances Tribunal

The Salaries and Allowances Tribunal (*the Tribunal*) established under the *Salaries and Allowances Act 1975* must—

- (a) apply the four Band Allocation Model (*the Model*) established under the *Salaries and Allowances Act 1975* across Local Government Areas (**LGAs**) in Western Australia;
- (b) assess the appropriate remuneration levels for LGAs using defined measurable factors in the Model;
- (c) review the Model annually to accommodate any incremental increases experienced by all organisations; and
- (d) any other responsibilities as deemed necessary through results of public submissions and consultation with the Minister for Local Government.

14. Band Renumeration

- (1) The Model provides a set renumeration for LGA councillors.
- (2) The set renumeration may be adjusted through an adjustment of band classification under section 15.

15. Adjustment of band classification

An LGA must apply to the Tribunal to be considered for adjustment of their Band classification, under the following conditions—

- (a) the application form must be available on the Department of Local Governments' website, as well as physically in all state Electorate Offices;
- (b) once the application has been submitted, the Tribunal will have six months to consider the application;
- (c) the Tribunal must consider the application on the premise of whether the applicant has demonstrated a substantial or sustained increase or decrease in functions, role or scope over a period of 12 months or more;
- (d) at the end of the six months, the Tribunal will make the recommendation to the Minister for Local Government, who will decide based on the recommendations;
- (e) the Minister will inform the LGA of the outcome within two months of receiving the Tribunal's recommendation in writing.

Division 3 — Alterations to the Total Reward Package for Chief Executive Officers

16. Removal of existing benefits in the Total Reward Package

Remove the following existing benefits from the Total Reward Package (*TRP*) allocated to Chief Executive Officers (*CEOs*) of LGAs, under the Local Government Chief Executive Officers and Elected Members Determination No 1 of 2022—

- (a) association membership fees;
- (b) fitness club fees;
- (c) school fees and/or child's uniform;
- (d) travel for spouse and any other member of family;
- (e) unrestricted entertainment allowance;
- (f) utilities allowance (any water, power or other utility subsidy provided to the CEO); and
- (g) any other form of payment, in cash or not, in consideration as a reward or benefit of the CEOs duties.

17. Removal of existing benefits in the Total Reward Package

The financial limits of annual TRPs for CEOs of LGAs will be reduced by 25%, in all bands under the Model, as below—

- (a) the annual TRP in Band 1 Local Governments will reduce from \$256,634- \$390,810 to \$192,475- \$293,107;
- (b) the annual TRP in Band 2 Local Governments will reduce from \$211,663 - \$329,254 to \$158,747- \$246,940;
- (c) the annual TRP in Band 3 Local Governments will reduce from \$161,868 - \$266,983 to \$121,401- \$200,237; and
- (d) the annual TRP in Band 4 Local Governments will reduce from \$131,423 - \$206,141 to \$98,567- \$154,605.

Division 4 — Alterations to the Salaries of Local Government Councillors**18. Salary alteration for the Mayor or President**

The annual salary of the Mayor or President in each Local Government is to be increased by 25%, in all bands under the Model, as below—

- (a) the annual TRP in Band 1 Local Governments will increase from \$25,219 - \$48,704 to \$31,524 - \$60,880;
- (b) the annual TRP in Band 2 Local Governments will increase from \$15,237 - \$31,928 to \$19,046 - \$39,910;
- (c) the annual TRP in Band 3 Local Governments will increase from \$7,880 - \$25,976 to \$9,850 - \$32,470; and
- (d) the annual TRP in Band 4 Local Governments will increase from \$3,679 - \$20,022 to \$4,599 - \$25,027.

19. Salary alteration for the Mayor or President

The annual salary of each Councillor who is not the Mayor or President in each Local Government is to be increased by 25%, in all bands under the Model, as below—

- (a) the annual TRP in Band 1 Local Governments will increase from \$25,219 - \$32,470 to \$31,524 - \$40,587;
- (b) the annual TRP in Band 2 Local Governments will increase from \$15,237 - \$23,811 to \$19,046 - \$29,764;
- (c) the annual TRP in Band 3 Local Governments will increase from \$7,880 - \$16,776 to \$9,850 - \$20,970; and
- (d) the annual TRP in Band 4 Local Governments will increase from \$3,679 - \$9,742 to \$4,599 - \$12,177.

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20. Implications of Salary Adjustments on LGAs

- (1) The salary adjustments under sections 18 and 19 will be paid for by the respective LGA, transferring the financial difference of the adjustment in TRPs under section 17 of CEOs into the annual salary of members of Council.
- (2) If an LGA is unable to afford the salaries for the members of Council under subsection (1), then they must conduct a budget review to enable payment of their Council members within the band allocations.
- (3) If the LGA is still unable to afford the salaries for the members of Council under sections 18 and 19, then they must contact the Tribunal, who will make a recommendation to the Council on how to pay the Council members.



YOUTH GOVERNOR OF
WESTERN AUSTRALIA

DECLARATION OF ROYAL ASSENT

IN THE NAME OF HIS MAJESTY, I assent to this Act.

A handwritten signature in black ink, appearing to read 'ZDBJ', with a horizontal line underneath.

His Excellency, Hon. Doug Jackson
Youth Governor of Western Australia
16 October 2023