

Victorian Government response

Recommendations made by the Electoral Matters Committee in its report on its *Inquiry into the conduct of the 2022 Victorian state election*

January 2025

Background

The Victorian Government thanks the Electoral Matters Committee (EMC) for its report on its *Inquiry into the conduct of the 2022 Victorian state election* (Report), and acknowledges the valuable work undertaken by the EMC, including engagement with stakeholders.

Government response to recommendations directed to government

The government's response to each of the EMC's recommendations directed to the government is as follows.

No.	Recommendation	Government response
Vol 1, Rec 1	<p>That the Government introduce legislation amending the Electoral Act to adjust the timeline for fixed-term, general elections so that:</p> <ul style="list-style-type: none">parties may not submit applications to register as a party less than 180 days before the electionthe VEC is required to decide on applications to register political parties no later than 100 days before the electionthe close of rolls happens at 8 pm on the day that the writs are issuedthe close of nominations for independent candidates happens 16 days before the election	<p>Support in principle</p> <p>The government acknowledges that the tight timeline for conducting elections in Victoria, combined with the increasing complexity and scale of elections, means that there is an increasing risk of problems causing a failed election in the future. The government considers that adjusting the timeline for fixed-term, general elections would mitigate the risk of these problems arising.</p> <p>The government will consult with the VEC on this recommendation, noting that the EMC's recommendation differs from what the VEC proposed in its submission to the EMC on its Inquiry.</p>

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	<ul style="list-style-type: none"> the writs must be returned by 23 days after the election. 	<p>The government notes that the timeline for fixed-term, general elections was last amended for the 2018 State election.</p>
Vol 1, Rec 2	<p>That the Government consult with the VEC about the practicality of further shortening the nomination period so that nominations close seven days after the issue of the writs.</p>	<p>Support</p> <p>The government will consult with the VEC about the practicality of further shortening the nomination period so that nominations close seven days after the issue of the writs.</p>
Vol 1, Rec 3	<p>That the Government note the VEC's concerns about the tightness of the election timeline and monitor the issue at future elections. Consideration should be given to additional changes to the timeline if required, including possibly a referendum to change the date of fixed-term elections.</p>	<p>Support</p> <p>The government notes the VEC's concerns about the tightness of the election timeline and will monitor the issue at future elections. The government will consider changes to the timeline, if required.</p>
Vol 1, Rec 4	<p>That the Government introduce legislation amending the Electoral Act so that early and mobile voting cannot begin until the Saturday seven days before election day.</p>	<p>Support in principle</p> <p>The government considers that implementation of this recommendation would reduce pressures on the VEC and political candidates and parties by providing additional time for candidates and parties to find volunteers to campaign at voting centres to cover the early voting period and enable voters to receive how-to-vote cards and information about all candidates.</p> <p>The government will consult with the VEC to understand the operational impacts of this recommendation and the VEC's views on the interrelated volume 1, recommendation 5 of the Report.</p>
Vol 1, Rec 6	<p>That the Government introduce legislation amending the Electoral Act to specify that the VEC should send ballot packs to people who have successfully applied to vote by post at just one specific election 'as soon as practicable after the final nomination day' (for those applications received before the close on nominations). The legislation should explicitly state that postal vote ballot packs can be mailed before early and mobile voting commence.</p>	<p>Support in principle</p> <p>The government considers that implementation of this recommendation would help ensure that postal voters receive their ballot packs in time to vote.</p> <p>The government will consult with the VEC on this recommendation, including to understand the operational impacts of the amendments to</p>

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		the Electoral Act and alternative approaches which would implement the intent of the recommendation.
Vol 1, Rec 10	That the Government work with the VEC, political parties and other stakeholders to develop a legally enforceable election-period code of conduct for candidates and campaigners.	<p>Further consideration required</p> <p>The government considers that a legally enforceable election-period code of conduct for candidates and campaigners would likely need to be supported by legislative reform.</p> <p>Extensive consultation with the VEC, political parties and other stakeholders is required, noting that, based on the Report, stakeholders have mixed views on whether such an election-period code of conduct should be legally enforceable.</p> <p>The funding implications of this reform will be considered against the government's broader funding priorities.</p>
Vol 1, Rec 11	<p>That the Government introduce legislation amending the Electoral Act to provide the VEC or an alternative body with the power to enforce appropriate behaviour at voting centres through:</p> <ul style="list-style-type: none"> • empowering the VEC or another suitable body to penalise breaches of the code of conduct recommended in Recommendation 10 • introducing a range of graduated responses to manage less serious breaches of electoral rules, including infringement notices, cautions, warnings and enforceable undertakings • making it an offence for a person removed from a voting centre to return to the voting centre • providing the VEC or another suitable body with investigative tools to enable the investigation of serious breaches of electoral laws. 	<p>Further consideration required</p> <p>The government acknowledges concerns about behaviour during election periods in Victoria and the ramifications that this behaviour can have for the safety of voters and voting centre staff.</p> <p>Extensive consultation with the VEC, Victoria Police and other stakeholders is required to consider these proposed reforms, including the associated funding and resourcing implications.</p>

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Vol 1, Rec 13	<p>That the Government introduce legislation amending the Electoral Act to require all people who wish to campaign at a voting centre to register their details with the VEC or an alternative body involved with enforcing electoral law. The legislation should give the appropriate body the power to revoke a person’s registration if they behave inappropriately or if they refuse to provide evidence of their identity. The registration system should:</p> <ul style="list-style-type: none"> • be quick, easy and centralised • allow campaigners to register before or during the election period, including on election day • not require campaigners to indicate whom they are campaigning on behalf of • allow election officials to add notes about any actions taken in relation to the individual which can be viewed by other election officials • delete people’s details within 30 days after the election unless the person is part of an ongoing investigation. 	<p>Further consideration required</p> <p>The government will consult with the VEC on this recommendation to understand the extensive operational considerations and impacts of the reforms, including the appropriate body to enforce electoral law and data privacy considerations.</p> <p>The funding implications of this reform will be considered against the government’s broader funding priorities.</p>
Vol 1, Rec 15	<p>That the Government introduce legislation amending section 84 of the Electoral Act so that its provisions apply for two months prior to election day for general elections occurring according to fixed terms.</p>	<p>Support in principle</p> <p>The government considers that it is appropriate to extend the time period to which Electoral Act provisions about misleading and deceptive material apply to cover the period starting two months before election day, as much campaigning for a general election occurs before the issue of the writs.</p> <p>The government will consult with the VEC to understand the operational impacts of this recommendation.</p>
Vol 1, Rec 16	<p>That the Government introduce legislation amending the Electoral Act to introduce truth in political advertising laws, as recommended by the previous Electoral Matters Committee in its <i>Inquiry into the</i></p>	<p>Further consideration required</p>

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	<p><i>impact of social media on Victorian elections and Victoria's electoral administration. When implementing systems of this nature, it is best for a consistent approach to be adopted with the Commonwealth. If Commonwealth legislation is introduced regarding truth in political advertising, then the Victorian Government should seek to align Victorian laws with the Commonwealth laws. However, if changes are not introduced at the Commonwealth level in a timely manner, the Victorian Government should seek to introduce its own legislation.</i></p>	<p>The government agrees that any truth in political advertising laws in Victoria should be consistent with laws at the Commonwealth level.</p> <p>The government will await the Commonwealth Government's approach to truth in political advertising laws before forming a position on this recommendation.</p> <p>The funding implications of this reform will be considered against the government's broader funding priorities.</p>
Vol 1, Rec 17	<p>That the Government reform the Upper House voting system by introducing legislation amending the Electoral Act to:</p> <ul style="list-style-type: none"> • eliminate group voting tickets • allow voters to indicate multiple preferences for parties/groups above the line, where a preference above the line is interpreted as a preference for all of the candidates of that party/group, in the order listed on the ballot paper • have ballot papers direct voters to select at least five preferences above the line • include savings provisions similar to those in the Commonwealth Electoral Act that a vote is still valid if fewer than five preferences above the line are indicated. <p>The current system for voting below the line should be retained.</p>	<p>Further consideration required</p> <p>The EMC is undertaking its <i>Inquiry into Victoria's Upper House electoral system</i> and is due to report by 8 December 2025. The government will await the findings of this Inquiry before forming a view on this recommendation.</p>
Vol 1, Rec 18	<p>That, if Recommendation 17 is implemented, the Government provide the VEC with additional funding to develop and conduct an education campaign about the new voting system for the Upper House before the first election with the new system.</p>	<p>Further consideration required</p> <p>The government notes that this recommendation is contingent on implementation of recommendation 17, which requires further consideration.</p>

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Vol 1, Rec 21	That the Government consider undertaking a holistic review of the Electoral Act to bring it up to date and to incorporate the recommendations of this report, other reports by the Electoral Matters Committee and appropriate recommendations by the VEC.	<p>Further consideration required</p> <p>The government considers that this is a longer-term reform and not for immediate consideration.</p> <p>Extensive consultation with the VEC, EMC, registered political parties and other stakeholders would be required to undertake a holistic review of the Electoral Act that is thorough and effective.</p> <p>The funding implications of this reform will be considered against the government's broader funding priorities.</p>
Vol 1, Rec 22	That the Government consult with the Electoral Matters Committee whenever it is considering changes to the Electoral Regulations, giving the Committee an opportunity to provide input based on its work.	<p>Support</p> <p>The government values the EMC's input on Victorian electoral matters and will consult with the EMC on any proposed amendments to the Electoral Regulations 2022.</p>
Vol 2, Rec 11	<p>That the Government introduce legislation amending the Electoral Act to:</p> <ul style="list-style-type: none"> • increase the minimum number of members required for party registration from 500 to 750 • increase the number of people required to support someone to run as an independent candidate for the Lower House from six to 50 people. 	<p>Further consideration required</p> <p>The government notes the Report's finding that there is a correlation between the number of candidates on a ballot paper and the informality rate. The government will consult with the VEC on possible approaches to implement the intent of the recommendation which do not require amending the number of members that a party must have, and the public support that a candidate must have, to nominate for election.</p>
Vol 2, Rec 12	That the Government introduce legislation amending the Electoral Act to include an appropriate mechanism to require suitable publicly funded venues, such as community facilities owned and operated by local councils, to be available for use as early voting centres.	<p>Support in principle</p> <p>The government considers it important that early voting centres meet community expectations for the standard of venue.</p> <p>The government will consult with the VEC and local councils to understand the operational impacts of this recommendation.</p>

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Vol 2, Rec 20	That the Government introduce legislation amending the Electoral Act to prohibit any person or organisation other than an electoral commission from distributing general postal voter applications.	<p>Further consideration required</p> <p>The government considers that this is a longer-term reform and not for immediate consideration, noting that amendments to postal voting were made in 2022.</p>
Vol 2, Rec 22	That the Government introduce legislation amending the Electoral Act to allow Australian Antarctic Territory electors to vote using electronic assisted voting (telephone-assisted voting).	<p>Further consideration required</p> <p>The government considers that this is a longer-term reform and not for immediate consideration, noting that further expansion of electronic assisted voting may be considered at a later date, after more investigation has taken place.</p>
Vol 2, Rec 25	<p>That the Government fund an appropriately qualified organisation with the relevant expertise to develop a framework for improving the inclusion of Victorians with intellectual and cognitive disability in Victorian elections. This project should include, but not be limited to, investigating:</p> <ul style="list-style-type: none"> • the scale of people with disability currently not participating in elections in Victoria • ways to remove barriers to electoral inclusion, including the need to learn about politics and decision-making • whether the Register of Electors should be used to link people with intellectual and cognitive disability with appropriate support to vote • whether and how information held by the National Disability Insurance Agency can be used to target support for people with intellectual and cognitive disability • what role the National Disability Insurance Agency should play in supporting people to vote 	<p>Further consideration required</p> <p>The funding implications of this reform will be considered against the government's broader funding priorities, noting that the development of such a framework will require significant funding.</p> <p>Extensive consultation with the VEC, the Commonwealth Government, disability advocacy organisations, health professionals and other stakeholders would be required to develop and implement these reforms.</p>

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	<ul style="list-style-type: none"> what role the VEC should play in supporting people with intellectual and cognitive disability to vote how best to reform or remove the 'unsound mind' provision of Victoria's Constitution and any consequent changes that are needed, such as exempting some people with intellectual and cognitive disability from compulsory voting. 	
Vol 2, Rec 27	That the Government introduce legislation amending the Electoral Act to provide the VEC with the ability to apply an extended campaigning exclusion zone at specified voting centres and for specified times, so that the VEC can provide dedicated periods of low-sensory voting. This should include an obligation for the VEC to adequately inform election stakeholders, with a defined notice period, when an extended exclusion zone will apply.	<p>Support in principle</p> <p>The government considers it important that neurodiverse and sensory-sensitive voters have appropriate voting centre options to ensure the inclusivity of elections.</p> <p>The government's position on this recommendation is subject to consultation with the VEC, disability advocacy organisations, health professionals and other key stakeholders to understand the operational and funding impacts of the reforms.</p>
Vol 2, Rec 34	That the Government consider whether legislative action is needed in response to social media companies ignoring or not acceding to legitimate requests from the VEC to remove inaccurate material or other problematic content from their platforms.	<p>Further consideration required</p> <p>The government considers that a legislative response to social media companies ignoring or not acceding to legitimate requests from the VEC to remove inaccurate material or other problematic content from their platforms should be nationally consistent and led by the Commonwealth Government.</p> <p>The government will await the Commonwealth Government's approach to engaging with social media companies before forming a position on this recommendation and notes its position is further subject to consultation with other states and territories.</p>
Vol 2, Rec 38	That the Government introduce legislation amending the Electoral Act to remove the requirement that ballot papers be initialled by election officials.	<p>Support in principle</p> <p>The government considers it important that any potential confusion during the counting of ballot papers is avoided.</p>

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		The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reform.
Vol 2, Rec 40	That the Government introduce legislation amending section 74(1) of the Electoral Act to require the order of candidates and groups on ballot papers to be determined manually and not by computer.	<p>Further consideration required</p> <p>Consultation with the VEC on the operational, funding and resourcing impacts of the reform is required before the government forms a position on this recommendation.</p>
Vol 2, Rec 41	<p>That the Government introduce legislation amending the Electoral Act to require the VEC to conduct audits of the data used in computer counts. The new provisions should include requirements that:</p> <ul style="list-style-type: none"> • the batches of votes that are audited are selected randomly • the number of batches audited should be enough to estimate the overall error rate using a rigorous statistical methodology • the Commission publicly report the results of these audits. 	<p>Further consideration required</p> <p>Consultation with the VEC on the operational, funding and resourcing impacts of the reform is required before the government forms a position on this recommendation.</p>
Vol 2, Rec 43	<p>That the Government introduce legislation amending the Electoral Act to include:</p> <ul style="list-style-type: none"> • a broad statement that all vote-counting processes and documents should be open to scrutineers • a minimum notification period for the recommencement of vote counting. 	<p>Further consideration required</p> <p>Consultation with the VEC on the operational, funding and resourcing impacts of the reform is required before the government forms a position on this recommendation.</p>
Vol 2, Rec 53	<p>That the Government introduce legislation amending the provisions in the Electoral Act relating to the authorisation of electoral matter to:</p> <ul style="list-style-type: none"> • reduce what types of matter need to be authorised to be the same as in the Commonwealth Electoral Act 	<p>Support in principle</p> <p>The government supports minimising the resourcing burden on the VEC in its role to enforce the authorisation of material requirements set out in the Electoral Act.</p>

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	<ul style="list-style-type: none"> remove the requirement to include details of the printer harmonise other provisions with the Commonwealth Electoral Act where appropriate incorporate the recommendations of the previous Electoral Matters Committee about the authorisation of electoral matter and related issues. 	<p>The government's position on this recommendation is subject to consultation with the VEC and the Commonwealth Government, including on the operational and resourcing impacts of the reforms.</p>
Vol 2, Rec 54	<p>That the Government introduce legislation revising the provisions in the Electoral Act relating to misleading and deceptive matter to provide clarity about what is permitted on a how-to-vote card. This should include specific guidance on matters which have caused contention between the VEC and candidates, such as the depiction of blank boxes.</p>	<p>Further consideration required</p> <p>The government considers that this reform requires further consideration, noting that legislation may not be required to clarify what is permitted on a how-to-vote card and the intent of the recommendation could be implemented by the VEC issuing guidance.</p> <p>Consultation with the VEC is required before the government forms a position on this recommendation.</p> <p>The government notes the interaction of this recommendation with recommendation 69 of volume 2 of the Report.</p>
Vol 2, Rec 55	<p>That the Government introduce legislation amending section 104A of the Electoral Act to remove the requirement for the VEC to wait until it has issued ballot packs to postal voters to provide postal voter data to candidates and political parties. The Act should instead allow the VEC to provide such data as soon as it has accepted an application under Section 104(1) or 104(1A).</p>	<p>Support in principle</p> <p>The government considers that implementation of this recommendation would allow post voters to receive information from parties and candidates sooner.</p> <p>The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reforms.</p> <p>The government notes the interaction of this recommendation with recommendations 56 and 57 of volume 2 of the Report.</p>
Vol 2, Rec 57	<p>That the Government introduce legislation amending the Electoral Act to require the VEC to provide parties and candidates with a complete list of general postal voters within 48 hours of the close of</p>	<p>Further consideration required</p>

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	rolls or within 24 hours of a candidate's nomination, whichever is earlier.	<p>The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reforms.</p> <p>The government notes the interaction of this recommendation with recommendations 55 and 57 of volume 2 of the Report.</p>
Vol 2, Rec 64	<p>That the Government introduce legislation amending sections 47 and 47A of the Electoral Act to add additional restrictions requiring the VEC to refuse to register a political party's name, abbreviation or logo if they too closely resemble another party that is currently registered, or has already submitted an application for registration or change of registered name, abbreviation or logo.</p> <p>In drafting the legislation, the Government should consider the VEC's technical recommendation 6 in its report to Parliament on the 2022 election and sections 129 and 129A of the Commonwealth Electoral Act 1918. The fact that a name, abbreviation or logo had previously been registered should not mean that it can be used again if it breaches the rules.</p>	<p>Support in principle</p> <p>The government considers that implementation of this recommendation would help ensure that voters are informed about who they are voting for.</p> <p>The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reforms, and alternative amendments to achieve the intent of the recommendation.</p>
Vol 2, Rec 65	That the Government introduce legislation amending the Electoral Act to allow political parties to register a colour logo in the Register of Political Parties, which must then be printed in colour on ballot papers.	<p>Further consideration required</p> <p>The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reforms, and alternative amendments to achieve the intent of the recommendation.</p>
Vol 2, Rec 66	That the Government introduce legislation amending the Electoral Act to allow the Registered Officer of a party to withdraw the nomination of any candidate nominated as a member of that party prior to the close of nominations.	<p>Support in principle</p> <p>The government considers that implementation of this recommendation would reduce confusion amongst voters about which candidates represent a party by enabling a party to disendorse a candidate before the close of nominations.</p>

No.	Recommendation	Government response
		The government's position on this recommendation is subject to consultation with the VEC on the operational and resourcing impacts of the reforms.
Vol 2, Rec 67	That the Government introduce legislation establishing a right for people to display political signage on private property during an election period which cannot be overridden by local laws.	<p>Further consideration required</p> <p>The government's position on this recommendation is subject to consultation with the VEC and local governments on the operation of local laws.</p> <p>The government notes that reforms relating to the display of political signage at a private property were introduced for 2018 State election.</p>
Vol 2, Rec 69	That the Government introduce legislation removing the requirement in the Electoral Act that how-to-vote cards must be registered to be distributed at election-day voting centres.	<p>Further consideration required</p> <p>The government considers that this reform requires further consideration along with other potential reforms to requirements relating to how-to-vote cards.</p> <p>The government notes the interaction of this recommendation with recommendation 54 of volume 2 of the Report.</p>
Vol 2, Rec 70	That the Government introduce legislation making it illegal to publish material falsely purporting to be from a political party or election candidate. The legislation should specify examples of elements that may constitute a breach of the legislation (such as names, logos and images).	<p>Further consideration required</p> <p>The government considers that any Victorian laws prohibiting the publication of material falsely purporting to be from a political party or election to candidate should be consistent with such laws at the Commonwealth level, and will await the Commonwealth Government's approach before forming a position on this recommendation.</p> <p>Extensive consultation with the VEC, the Commonwealth Government and other stakeholders would be required to understand how this recommendation could be legislated and operationalised, noting the potential enforcement difficulties in online environments.</p> <p>The funding implications of this reform will be considered against the government's broader funding priorities.</p>

No.	Recommendation	Government response
Vol 2, Rec 73	That the Government introduce legislation amending the Electoral Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.	<p>Further consideration required</p> <p>The EMC is undertaking its <i>Inquiry into Victoria's Upper House electoral system</i> and is due to report by 8 December 2025. The government will await the findings of this Inquiry before forming a view on this recommendation.</p>

We acknowledge the Traditional Owners of Country throughout Victoria and pay our respect to them, their culture, and their Elders past and present.

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