

CORRECTED EVIDENCE

ELECTORAL MATTERS COMMITTEE

Inquiry into the future of Victoria's electoral administration

Melbourne — 12 March 2013

Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

Witness

Mr S. Copeland, state director, The Nationals.

The CHAIR — Stuart, welcome. Thank you for joining us this afternoon, and welcome to the public hearings of the Electoral Matters Committee inquiry into the future of Victoria's electoral administration and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise you that any comments you may make outside the hearing may not be afforded such privilege. Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

Mr COPELAND — Yes, I have.

The CHAIR — Magnificent. I ask you to state your full name and business address, which organisation you are representing and what position you hold within that organisation.

Mr COPELAND — Stuart William Copeland, state director of The Nationals Victoria. The address is level 5, 30 Collins Street, Melbourne.

The CHAIR — Magnificent. The evidence that you are about to give will be taken down and become public evidence in due course. I ask you now to give a verbal submission, and we will open it up to questions when you have concluded that submission. Thank you.

Mr COPELAND — Thank you very much, Mr Chairman and members of the committee. The Nationals thank the committee for the opportunity to make a submission to the inquiry into the future of Victoria's electoral administration and matters related thereto. At the outset I would like to reiterate the introduction to our written submission — that is, The Nationals' belief that Victoria and Australia generally has a robust, independent and reliable system for the conduct of elections and that any changes to those systems should be approached cautiously. While our administration of elections will evolve over time, many decisions to change have unintended or unforeseen consequences that may reduce the current strong public respect for our electoral system. The matters canvassed in the committee's discussion paper circulated prior to the close of written submissions are wide ranging and in some cases if adopted would mean significant changes to the conduct of elections in Victoria.

As the VEC says in their submission when dealing with electronic voting:

There are high levels of confidence in the integrity of our current paper-based voting system.

We would contend that there are high levels of confidence in the integrity of our voting system. We agree with that. We believe it is relevant to the other areas of the committee's deliberations and that any proposal to make changes to the current system must not diminish that confidence.

Mr Chairman, I will not repeat all the issues we have included in our submission, as I know members have had the opportunity to read it. I will just touch on a couple of them. In regard to the early voting discussion point, The Nationals reinforce their evidence to the previous committee inquiry regarding the length of time for early voting and propose that it should be reduced to one week prior to election day. As we have seen recently in some other jurisdictions — and I cite Queensland as an example — some major things have happened very close to election day that can have a dramatic effect on the election campaign. We have seen rising numbers of people taking advantage of early voting. As a previous witness did, I refer to the increase in cost to the VEC and the increase in resources required by candidates, parties and all of the people involved in the political process that is becoming a more and more onerous activity to conduct.

In regard to informal voting, we have put in our submission that we believe by-elections should not be taken as a major influence on levels of informal voting because of the dynamics particular to by-elections, particularly when one or other of the larger parties does not field a candidate. Similarly, deliberately informal voting is part of our democratic right, particularly as we have a compulsory voting system here in Australia. That is something that The Nationals in their submission have supported the retention of.

In regard to electronic voting, we are of the view that at some point in the future we will see widespread use of electronic voting but that it will be at a distant point. We believe there is far too much mistrust of the security,

identification and various things regarding electronic voting. Having said that, there is obviously a role for it, particularly for those people with a disability who need that extra assistance.

Social media is a particularly vexed issue, and I know there are jurisdictions that have been grappling with it. Just because it is a vexed issue does not mean we should be exempting social media material from the laws that all other campaign material has to face. We do not necessarily have the answers regarding this issue. If you look at a social medium like Twitter, you can see it becomes particularly difficult. Perhaps it is the authorisation of the author's profile page rather than the individual tweets. The anonymous nature and the rapidity of the spread of information via social media perhaps makes it even more important that we get it right and that we have the authorisations correct.

As I said, I will not repeat all of the points included in the submission. I am very happy to take questions from the committee members, and I wish you well in your deliberations.

The CHAIR — Thank you very much indeed. I will just begin with one question. You have said, and I agree with you, that having the ability to deliberately cast an informal vote is an important part of the democratic process, yet you also say that you do not support voluntary voting. What is the logic in forcing somebody to go to a place so that they can vote informally?

Mr COPELAND — I will put on the record that it is fair to say there is a divergence of opinion amongst our membership. When we were putting together our submission we went for the general consensus. Even within our own party there is a divergence of views regarding compulsory voting. I think it is particularly important that we have compulsory voting. We look at the US example for recent instruction. You are drawn towards the extremes when people do not have to come and vote. There is a change in campaign activity; rather than campaigning on policy you are campaigning to get people to turn out to vote. The corruption of the process — or the potential corruption of the process — is certainly there. I think it has served us well, the compulsory voting scheme, and I think it gives whoever wins the election a legitimate mandate to claim victory and claim that they have a mandate from the majority of voting Australians or Victorians.

Mrs VICTORIA — Stuart, thank you. On page 4 of your submission you talk about early voting and the parallel between postal voting and early booth polling, but you say:

It beggars belief that many of these electors cannot attend a voting centre on election day and it therefore follows that many are breaching section 98 of the Electoral Act 2002 either in ignorance or because they are prepared to make a false declaration. Neither circumstance is conducive for a healthy democracy.

There has been much discussion in this committee over the last couple of years as to whether there has been a change in direction from the VEC. We have not had a particularly forthcoming answer to our questions about that, as to whether there has been a directive given or whether there has perhaps been a softening of the stance towards those who choose, rather than those who are actually eligible, to vote early. Do you have a particular thought on who should be able to vote early and what the criteria checklist, if you like, should be at a polling booth?

Mr COPELAND — I should say I have lifted the quote in that particular section from the previous submission to the committee, of which I was not the author, but it certainly stands for our opinion. There are a multitude reasons to vote early; there is no question about that. Whether it is due to work commitments on polling day or that you will legitimately be away on polling day, there are a number of reasons; you could list a lot of them. I think certainly anecdotally, when you are talking to people who are working on the booths at early voting, there is no doubt that there are people who do vote early who would be able to vote on the day. I have some sympathy for the VEC, I must say, because when people make the declaration that they will not be able to vote on election day I think with scarce resources it is probably not one of the areas that you would be focusing on pursuing, even though they, and I am sure all, would prefer that the people who are able to vote on polling day do vote, or in fact vote by postal vote if there are reasons of distance or those sorts of the things. We have suggested that it be reduced to one week, which I think would provide some sort of deterrent to the numbers, or at least provide the opportunity to those who legitimately cannot be there on polling day or through postal voting but still provide that opportunity.

Mr FINN — I note that in your submission you have suggested that the Victorian Legislative Council retain its name. Is that because you reject the view that has been put that nobody knows what the Victorian Legislative Council does? Do you believe it is generally understood in the community what the Legislative Council does?

Mr COPELAND — It is not because I reject the notion. I am sure there are a lot of people out there who do not know what the Legislative Council is, or for that matter the Legislative Assembly. But likewise with the federal Parliament and the House of Representatives and the Senate — perhaps more people know about the Senate — but there is that general terminology of upper house and lower house that is in wide use. I think it is an important feature of the sort of Parliament we have. It is bicameral state legislature. I think the Legislative Council and the Legislative Assembly are terms that are used in the other state jurisdictions as well. Just because people may be confused about them may not necessarily be a reason to get rid of it. Education may well be a better option to pursue that.

Mr FINN — Given that the Council has been around for 150 years, what sort of education do you think might be needed after that period of time to bring people up to speed on what it does?

Mr COPELAND — I suspect 150 years ago people were probably much more aware of the differences between the two. I think the changing nature of, for example, the way our regions have changed in the upper house and a whole number of different changes may have had an effect on that. There are a lot of things about our political process that a lot of the population may not know about. I think the VEC has put in there some of its education programs, and the Parliament has its education programs. I do not think it is going to be an easy process, but I do not think that is necessarily a reason to simply have a name change.

Mr TARLAMIS — You mentioned education. Do The Nationals have a view on civics education and whether that is something that should be part of the curriculum at schools?

Mr COPELAND — We have not canvassed that here, so I will talk from experience. It is a regular topic of conversation, without having a formal position to put to you, that there would be a lot of our members who think there is a need for civics education within our education system. I think it may be difficult to balance the delivery of that without being accused of bias for one side or the other, but I think as a general statement civics education would be something that would be generally supported.

The CHAIR — I notice that The Nationals have said they do not agree with many other submissions when they say they are concerned about the informal rate in Victoria. Why is that? Why do The Nationals not concern themselves with that?

Mr COPELAND — I think we are concerned. We are always concerned with any informal vote. There are two aspects. One is the earlier aspect I referred to of deliberately informal votes. If you look at the trend graph that the VEC provided, apart from the three recent by-elections when a major party did not stand, the trend was actually looking not too bad, if my memory serves me correctly. I think you need to take by-elections out of the consideration because they do have a particular dynamic, particularly the recent ones we have had here in Victoria.

If you look generally at where informal voting has been, absolutely we need to look at any rise. Mr Tarlamis referred to some people who do not have English as their primary language. Of course there are issues around making sure those people are franchised, but I do not think it is fair to say that it is a very high informal rate. Any increase, absolutely, needs to be looked at, but I do not think it is something that should be used as a justification, for example, to completely change the voting system.

If optional preferential voting, for example, has been flagged as perhaps one of the options to reducing informal voting, yes, that can help with the change. Being a Queenslander, I have seen that system in operation for over a decade — nearly two decades; it is two decades now. But there is a corresponding rise in informal voting at federal elections, because they still have compulsory preferential voting. While you might decrease the informality at a state election, you will see a rise in informality at a federal election. It is not as easy as you are saying. We need to make a change like that.

Mrs VICTORIA — Stuart, when you were talking about direct enrolment, you said that it may lead to manipulation of the electoral roll. Could you explain that a little bit further? Obviously that is something that is now happening. How do we put checks and balances in place?

Mr COPELAND — I think the VEC has taken a very legitimate course, where it has approached it in a cautious manner. At the last state election in 2010, they started the student enrolments, for example. There are two issues, I guess. One is the risk of manipulation of the electoral roll, and I would hope and expect that the VEC security processes would work to that end, but I have been around long enough to know that people are ingenious when it comes to manipulating data on electoral rolls for nefarious ends, so I think we should be very cautious about approaching too quickly, although I know other jurisdictions are ahead of where Victoria is.

The second one is a philosophical question about it that The Nationals have. In the electoral system people should be motivated to enrol and at least participate in that process. There is no impediment to enrolment. It is a very easy process, and we believe that there is a very strong case to argue, and it comes back a little to the nature of our compulsory voting, which we discussed earlier — that there should be some onus placed on the voter to actually take part, turn up and enrol to participate.

Mrs VICTORIA — Can I ask you to look into a crystal ball for us, then, please — —

Mr COPELAND — That is always dangerous.

Mrs VICTORIA — and make an educated guess? We now have automatic enrolment, obviously via different methods. Some people perhaps deliberately disenfranchise themselves, sometimes for decades and say, ‘I do not want to vote, and I have never been on the roll’. People have come up to me and said, ‘I do not want to be on the roll’. I say, ‘But it is your obligation as an Australian citizen’. Do you anticipate that our rate of informal votes might in fact increase?

Mr COPELAND — That is a very hard one to answer, because I suspect that, for example, with school students the numbers have increased, but the corresponding informality did not. For those who are being put on involuntarily, I guess, the crystal ball would say that there probably will be a rise, but as to how great a number that is, I think it would be quite small. That would be my guess.

The CHAIR — I think that just about does it. Stuart, thank you very much indeed. You will be receiving a transcript of the hearing in about a fortnight from now. If you could correct any typos and restrain yourself from cutting into the general content of the discussions, we would appreciate it. Thank you so very much for coming in this afternoon on what is not a very pleasant day outside.

Mr COPELAND — Thank you very much.

Committee adjourned.