

**GOVERNMENT RESPONSE TO THE ELECTORAL MATTERS COMMITTEE  
INQUIRY INTO THE CONDUCT OF THE 2010 VICTORIAN STATE ELECTION  
AND MATTERS RELATED THERETO**

<b>No</b>	<b>Recommendation</b>	<b>Victorian Government response</b>
3.1	The Committee recommends the Victorian Government amend section 23A(2) of the <i>Electoral Act 2002 (Vic)</i> to allow data obtained by the Australian Electoral Commission as part of the AEC/VEC joint enrolment process to be used for automatic enrolment purposes.	<p><b>Support in principle.</b></p> <p>The Victorian Government supports initiatives aimed at ensuring the accuracy, completeness and integrity of the electoral roll.</p> <p>Enabling the fullest appropriate use by the Victorian Electoral Commission (VEC) of relevant data obtained by the Australian Electoral Commission (AEC) for direct enrolment purposes is consistent with existing cooperative arrangements between the VEC and AEC designed to promote cooperation and the sharing of enrolment information.</p> <p>This may also help reduce elector confusion by reducing occasions when a person is enrolled for federal purposes, but not for local or state purposes.</p> <p>The Government will work with the VEC to examine the potential to implement the Electoral Matters Committee's (EMC) recommendation to allow data obtained by the AEC as part of the AEC/VEC joint enrolment process to be used for automatic enrolment through legislative amendment and/or administrative arrangements.</p>
3.2	The Committee recommends that the Victorian Government amend the <i>Electoral Act 2002 (Vic)</i> so that the close of roll occurs three days after the issue of the writ.	<p><b>Support in part.</b></p> <p>The Victorian Government acknowledges the operational difficulties experienced by the VEC in finalising enrolment data for early and postal voting, candidate nominations and provision of enrolment data for campaigning purposes as a result of the close of rolls being designated as seven days from the issuing of the writ.</p> <p>The introduction of fixed term elections has made an extended period to update enrolment details largely irrelevant. Electors also have the opportunity to cast a provisional vote in circumstances where they are not enrolled or their enrolment information is not up to date.</p> <p>However, as electors do not have the benefit of a fixed date for by-elections, the Government proposes to continue for the time being the closure of the roll occurring seven days from</p>

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		the issuing of the writ in by-elections. The significantly reduced cohort of electors in such circumstances minimises the administrative burden on the VEC. The timing of the closure of the rolls for by-elections can be further considered in light of experience of the operation of the three day closure period for general elections.
4.1	The Committee recommends the Victorian Government amend the electoral regulations to include the Victorian Proof of Age card as a prescribed proof of identity document for provisional voting.	<p><b>Support.</b></p> <p>The Victorian Government has implemented this recommendation in the Electoral Regulations 2012.</p> <p>The Electoral Regulations 2012 include a current Victorian identification as a prescribed proof of identity document. A Victorian identification is an identification issued by the State or a statutory authority that includes the person's name, address, date of birth and photograph. This captures the Victorian Proof of Age card.</p>
4.2	The VEC works with the Committee to explore a simpler method for electors to apply for a postal vote application, including an online option, provided the application is underpinned by sufficient verification processes.	<p><b>Support in principle.</b></p> <p>The Victorian Government supports initiatives designed to simplify voting processes to maximise electoral participation, provided adequate verification processes are in place to protect the integrity of the vote.</p>
4.3	The Committee recommends the Victorian Government amend Section 99(1) of the <i>Electoral Act 2002</i> (Vic) so that early voting commences on the Monday after nominations close.	<p><b>Support.</b></p> <p>The Victorian Government supports early voters having access to the full range of voting options when casting their vote.</p> <p>Commencing early voting at 4pm on the day of close of nominations (Friday) precludes early voters from voting above the line, as group voting tickets are only finalised on the Sunday. Given the significant increase in early voting, the Government considers that providing all voters with the full complement of voting options is preferred.</p>
4.4	The Committee recommends the VEC amend its website and printed material to show more prominently the criteria for early voting in person at Victorian elections, and include this material in their quality assurance practices and training. The Committee encourages the VEC to examine the New South Wales Electoral Commission website	The Victorian Government notes that the VEC has responded directly to the EMC on this issue.

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	for an example of good practice.	
4.5	<p>The Committee recommends the VEC undertake detailed research into early voting at future Victorian state elections, including statistics relating to the demographics of those casting an early vote in person and statistics about the number of electors who attempted to vote early but were prevented from casting an early vote in person because they did not meet the criteria.</p> <p>The Committee also encourages the VEC to establish working relationships with academic institutions specialising in early voting.</p>	<p>The Victorian Government notes that the VEC has responded directly to the EMC on this issue.</p>
6.1	<p>The Committee supports an electronic voting trial at the 2012 Victorian local government elections provided the VEC ensures electors are able to access a voter verifiable record of their vote prior to it being lodged.</p>	<p><b>Support in principle.</b></p> <p>The <i>Local Government Act 1989</i> currently does not provide for electronic voting at local government elections.</p> <p>Most local government elections in Victoria are by postal vote whereby electors receive a ballot pack in the mail. While supporting electronic voting in principle, the Government will need to examine how electronic voting fits within this context and to whom it might apply.</p> <p>For example, in Victorian State elections electronic voting applies only to particular groups of electors, including those who cannot vote without assistance because of a visual or motor impairment, or insufficient literacy skills (whether in English or their primary spoken language) and overseas or interstate electors voting at an early voting centre.</p> <p>If appropriate, the Government will consider amending the <i>Local Government Act 1989</i> to support the future use of electronic voting at local government elections.</p>
8.1	<p>The Committee recommends the VEC work with the Victorian Government to amend Section 114A(28)(c) of the <i>Electoral Act 2002</i> (Vic) to ensure consistency with the Commonwealth <i>Electoral Act 1918</i> (Cwth) and the <i>Local Government Act 1989</i> (Vic).</p>	<p><b>Support.</b></p> <p>Section 114A sets out the procedure to ascertain the number of votes for candidates in the Legislative Council.</p> <p>Under this system, candidates are elected when they receive a quota of votes. The quota is determined by a formula set out in the Act. The votes of candidates who are elected and</p>

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		<p>which are in excess of the quota are distributed to continuing candidates (ie candidates who have not yet been elected or excluded from the count) in accordance with the Act which allows for the calculation of a particular transfer value for those votes. Therefore, the total number of votes of a continuing candidate may consist of parcels of votes received from several different candidates and at different transfer values.</p> <p>Section 114A(28)(c) details what constitutes a transfer of votes from a candidate excluded from the count to a continuing candidate. The current wording of the section suggests that a transfer may only be from one candidate to another. However, as described above, the continuing candidate may have received votes from several different candidates at different transfer values. The suggested amendment is intended to clarify the operation of the section in light of the way in which votes are allocated under section 114A at different transfer values under section 114A.</p>
8.2	<p>The Committee recommends the Victorian Government amend the <i>Electoral Act 2002 (Vic)</i> so that if the writ for a by-election is to be issued within 58 days of the date of a general election, the option not to conduct the by-election should be considered and the general election used to fill the vacancy.</p>	<p><b>Support in part.</b></p> <p>The Victorian Government acknowledges that the requirement to conduct a by-election in close temporal proximity to a general election may not represent an effective allocation of resources and may impose an unjustified burden on voters.</p> <p>The Government will examine options for amending the <i>Electoral Act 2002</i> to address this situation so that a by-election is not held if it would occur during a period immediately before a general election.</p>