

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

Melbourne—29 August 2007

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Mr L. O'Sullivan, State Director, The Nationals.

The CHAIR—Welcome to the public hearing of the Electoral Matters Committee into the 2006 Victorian state election and matters related thereto. All evidence taken by this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975, further subject to provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation of other Australian states and territories. I also wish to advise witnesses that any comments you make outside the hearing may not be afforded such privilege. I take it you have read the Giving Evidence, A Public Hearings Guide?

Mr O'SULLIVAN—Yes.

The CHAIR—Yes. For the benefit of Hansard, can you please state your full name and address?

Mr O'SULLIVAN—Luke O'Sullivan, level 7, 24 Collins Street.

The CHAIR—Again for the benefit of Hansard, if you are attending in a private capacity or representing an organisation, if representing an organisation what your position in the organisation is.

Mr O'SULLIVAN—I am representing The Nationals in Victoria and I am a state director of The Nationals.

The CHAIR—Your evidence will be taken down and become public evidence in due course. I advise you to give your presentation and the committee will ask questions of you after your presentation.

Mr O'SULLIVAN—Thanks very much. First of all I would like to thank the committee for allowing me to come here and present my submission verbally to the committee. I will touch on briefly some of the issues that were raised within my submission on behalf of The Nationals. The first one I would like to make mention of is in relation to early voting. There was some concern coming back from some of our people within country areas, particularly in the north, in relation to some of the inflexibilities that surrounded the operation of the early voting centres in terms of people handing out how-to-vote cards out the front. Certainly there are rules set under legislation in regard to those circumstances by which those how-to-vote cards were distributed. But in some instances, that does not really work at a practical level. As an example, as the election is now held as a set date in the last week of November, in some of those northern parts of Victoria the weather can be very hot at that time. With the rules of where people must stand to hand out those how-to-vote cards, in some instances there were examples of people being made to stand in direct sunlight to hand out those cards.

Usually what happens as a course of action is that the staff at the early voting centres will set parameters for people handing out how-to-vote cards as to where they can stand and what they can do and what they cannot do and so forth. But there were some inflexibilities where a commonsense approach would have been, 'Okay, you can stand here which is in a shaded area or under a verandah,' or something like that. But in some cases the staff were applying the absolute letter of the law which meant people could not stand in the shade or they could not take cover under a verandah or so forth and had to stand in the direct sunlight. With the operating hours of those centres being from early morning until late afternoon, and with sometimes people being there for the whole day and more—we can now have two weeks of early voting—I guess there are some possible health issues that could come to those people who have to stand there and hand out those cards. Often from a volunteer capacity, some of those people are older. For older people to be standing in 35-plus degree heat for a length of

time, it is probably an area that I think the committee might—certainly from The Nationals point of view we would like to see a little bit of flexibility applied or some commonsense applied in relation to some of those fundamentals of the welfare of those people handing out the cards.

Next one I would like to make mention of is the distribution of the ballot paper for the legislative council. I do not have any direct evidence of this, but I certainly have anecdotal evidence of some circumstances where the staff when distributing the ballot paper for the Legislative Council—and under the new system, as we well and truly know, the ballot paper takes a larger size than what it did on the previous structure we operated under. What was happening is the cards or the ballot paper being wide, there were occasions where the ballot paper was folded in half and handed over to the voter. Then the voter then would go into their booth and vote, would not realise it was folded in half and there was a whole list of candidates and parties underneath that may not have been considered because they did not know they were there. As an example, I have brought along a rough mock-up of what a card may have looked like, or a ballot paper. If it was folded in half and handed out to the voter who might take that over and look at it, they might not realise that there is a second part to it. I think, and certainly The Nationals think, that if that was done on a broad basis it could bring about an outcome which may be negative in relation to somebody or a group of people who was on the back of where the card was. As a practical measure, we would like to see that instructions be given to the staff at those booths that the ballot paper is not to be folded. I know it is cumbersome in some circumstances, but that is something that we would need to take on board and that is the way it should be, that it be handed out in that form. What the voter does with it is up to them. They may wish to fold it, but that would be their right to do so. I think staff should hand it out unfolded.

The CHAIR—I cannot recall what happens. Does the VEC staff fold it first, or is it unfolded?

Mr O'SULLIVAN—It is usually sitting on their desk.

The CHAIR—Unfolded.

Mr O'SULLIVAN—Unfolded.

The CHAIR—Okay.

Mr O'SULLIVAN—Some staff, and this is only anecdotal evidence, would pick it up and fold it for ease of management in relation to distributing it to the voter.

Mr HALL—Even if it was folded the other way, at least it would give an opportunity for people to have to open to notice their choices and they would see all the choices.

Mr O'SULLIVAN—Yes.

The CHAIR—Horizontally?

Mr SCOTT—No, if it was folded so that—

Mr HALL—No, if it was folded in.

The CHAIR—You have to—yes.

Mr HALL—It is folded that way.

The CHAIR—Yes.

Ms CAMPBELL—Not everybody is dexterous.

Mr O'SULLIVAN—That could be confusing to some people as well. It was that you cannot fold it—

Mr HALL—Yes, I can see it now—

The CHAIR—Simply not folded. That is fair enough.

Mr O'SULLIVAN—The third matter I wish to mention briefly, which was not an issue at the last election but I think from a Nationals point of view it is an issue that we are very fond of. It is in relation to maintaining the polling booths in some of these small towns. I am not aware of any thought pattern in relation to closing smaller booths, but certainly as a party that represents rural and regional Victoria, some of the people who live in these remote areas of Victoria can be quite a distance away from the next larger centre which also creates an impost on them in relation to getting to a larger centre to vote. We would certainly like to see the committee support a premise of maintaining smaller polling booths in those country electorates. I do not wish to raise any more in relation to my submission, but there are a couple of other issues that I would like to raise here this morning if that was okay. One of those is in relation to the report to parliament on the 2006 state election by the Victorian Electoral Commission. On about page 119 they have a section on recommendations for legislative consideration.

The CHAIR—What page was it?

Mr O'SULLIVAN—About 119.

Mr SCOTT—Yes.

Mr O'SULLIVAN—Section 10, Recommendations for Legislative Consideration. These have obviously been put together by the Victorian Electoral Commission for consideration by the parliament in relation to any changes to the legislation. The question I would like to ask is, will this committee be giving due consideration to those legislative changes, or considered changes, within the terms of reference of this committee at this point?

The CHAIR—I would say it would be in the terms of reference, yes.

Mr O'SULLIVAN—Will there be an opportunity for further submissions to this committee in relation to some of these suggestions or considerations—

The CHAIR—Yes, for sure. Absolutely.

Ms CAMPBELL—Do you want to make any comments now on it?

Mr O'SULLIVAN—Not—

The CHAIR—You are welcome to make comments now, and we will take further submissions.

Mr O'SULLIVAN—I would not want to do it at this point, but I wanted to know where the committee stood in relation to those. If there was an opportunity to do that at a later time, certainly.

Ms CAMPBELL—You are the first person that has raised it with us.

The CHAIR—I cannot see any problem at all.

Mr HALL—I think it is a sensible measure. I think these are important recommendations that the commissioner is making to this committee and the parliament as a whole. My view is the committee would take certainly very strong consideration of those issues and evaluate them. I think there should be an opportunity for the general public and the interested parties to make further comment before our report is finalised. That is my personal view.

Ms CAMPBELL—Good point.

Mr O'SULLIVAN—Because certainly the Victorian Electoral Commission sees issues and makes recommendations of how they see that issue, which can be quite different for political parties in relation to that operation. Certainly we would like to have input into that down the track a bit. One other issue out—

The CHAIR—In fact we wanted this report out at this time so that we could comment on the report. That report was due to be released in November at some stage. We asked for it to be brought forward.

Mr O'SULLIVAN—One other issue I would like to raise is on page 116, Research for Consideration. It is in relation to the public funding system that is currently in existence. The question raised is, 'Parliament may wish to research the appropriateness of the current public funding system.' I was a little surprised to see that in the report. I would be interested to see the views of this committee as to their thoughts of the appropriateness of that research being undertaken.

Ms CAMPBELL—You said 116?

Mr SCOTT—No, it is 126.

Mr O'SULLIVAN—Sorry, 126, yes.

The CHAIR—In fact that did become an issue throughout yesterday's inquiry. Public funding was a bit of an issue, to our surprise.

Mr O'SULLIVAN—Will this committee be releasing a draft report of the findings and so forth of your hearings?

The CHAIR—We do not know at this stage, but most likely we will be.

Mr O'SULLIVAN—That will be circulated to all and sundry?

The CHAIR—Yes.

Mr O'SULLIVAN—I have no further comments to make at this time.

The CHAIR—Questions?

Mr SCOTT—As someone who has worked on different occasions in country booths on hot days, I would like to support your comments about early voting centres. This was not an early voting centre, but on a smaller booth it is not unusual for campaign workers to work all day sitting in the sun, I think both National, Liberal and Labor campaign workers. As a

society we are becoming more aware of the requirements, particularly in terms of skin cancer, but there are other things about dehydration and things working all day in a hot environment. In a sense it is not really a question but a comment: I think it is important that we look after those who volunteer to help conduct the electoral process on behalf of registered political parties or independent candidates and ensure they have a safe place in which to conduct the important role and function they perform in our democratic system. I would certainly like to support your comments on that matter because it can be, if you are up in the northern part of Victoria in the middle of November, it can certainly get very hot.

Mr O'SULLIVAN—There were certainly cases of volunteers fainting on election day itself. There was one example of one of our people handing out a how-to-vote card in the Wangaratta area who spent a night in hospital. It is certainly something we need to be aware of with the election being held late November which is a warm part of the year.

Mr HALL—Perhaps I can ask, Luke, does the Electoral Commission confer with you and the other registered parties about the location of polling booths and their suitability for those purposes?

Mr O'SULLIVAN—No, they do not. There might be a greater opportunity for that now with a fixed election date because quite often it comes down to the availability of a certain location to being in a polling booth on election day. But I think there probably could be some consideration to that. I guess in some of the smaller areas there are not too many areas that are appropriate or applicable to being a polling booth. It might be difficult in some of those areas. But I guess in the more populous areas that could certainly be a consideration.

Ms CAMPBELL—Not just the political parties. Often the candidates on the ground are more familiar with the minuscule detail of their electorates than the state directors.

Mr O'SULLIVAN—In some booths like Swan Hill there is more than 50 booths so it would be difficult to go around; it would be a logistical difficulty to assess the appropriateness of all those types of indicators as well. It will not be easy to do.

Ms CAMPBELL—My experience with people on pre-poll booths is they often strike up friendships because their common interest is politics even though they might be handing out for different political parties. Have you any really good examples of where divisional returning officers have been accommodating to enable people to look after their occ health and safety? An item that comes to mind is where it took considerable effort, that we ended getting it at one pre-poll where you were able to leave chairs, whereas a previous election the campaign workers had to take them home each night because something as simple as a fold-up chair was not permitted to be left within the precinct and locked up. That was one, and it was a tiny win, but it made a huge difference to the people that were volunteering many hours of their lives. Have you any more examples of what has worked well, because you know what does not work well?

Mr O'SULLIVAN—Not directly off the top of my mind.

Ms CAMPBELL—Okay.

Mr O'SULLIVAN—There are certainly examples of that type of thing being the case. Also in some country areas I think it is probably more conducive for those type of arrangements to take place. It all depends on where the pre-polling is located. I am sure many of them do have somewhere they can stand in the shade which sits within the existing rules where that flexibility is not required because it seems to work quite well. Certainly there are examples where it did not work. Again, it is difficult for the VEC, and I realise that, because they have to find the appropriate locations in these towns and suburbs. The one that is

available for them for that period of time may not be as suitable as some of the others. If the level of flexibility was more, I think it would probably work out.

The CHAIR—Luke, emerging as issues yesterday as I said before, there is a strong interest from various witnesses on donations to political parties, public funding of elections and capping expenses for election campaigns. The Canadian experience has probably precipitated this interest in these topics. In 2006, Canada banned political donations to political parties by both corporations and by unions. Does The National Party have a view on this? I do not want to put you on the spot.

Mr O'SULLIVAN—The Nationals do not have an official view on it. But from my position as state director, I think we have a very transparent system in relation to the donations and the expenditure that are applied to elections. The donations system allows for companies and unions and others alike to participate in the democracy of this country. The running of elections is an expensive task, as we all know. There is current structure where there are disclosure laws, companies are identified and unions are identified above a certain dollar figure, for everyone to know. The days of brown paper bags are well and truly gone. That does not happen any more. Everything that is done above a certain amount is open, out there for the public for everyone to see. It is open. It is transparent. There is no hiding and everyone has the information at their disposal after disclosures have been released. I do not see any issues along that line at all.

The CHAIR—What about in terms of disclosure at the time of receiving the donation, rather than months later, after the financial year?

Mr O'SULLIVAN—I guess there are some logistical issues. At that time during the campaign there is a lot of frantic activity going on all of the day. To go down that type of a path would create more of a process and procedure that would need to be undertaken, depending on how that was to work. I am not sure how that would change the information flow at that time, to have live donations being registered. I cannot see what benefit that would produce, other than the media trying to develop some sort of a story out of it. That information becomes available in due course as a lump sum rather than being drip-fed into the system. I do not think it would add too much, but it would certainly logistically create another layer of paperwork and procedures that each of the parties or candidates would need to undertake.

Mr HALL—Luke, do The Nationals have a view about early voting centres, given that now they can absorb up to 20 per cent of the vote in some of the electorates? They are becoming commonly used by more people. In relation to that, the disadvantage I suppose by people who are living in a large electorate where somebody living in Mallacoota, for instance, their early voting centre might be in Bairnsdale; practically it is a four-hour trip to attend that early voting centre. A lot of people living in the country do not have the access that city people would to early voting centres. Do The Nationals have a view on the appropriateness of early voting centres as a polling booth and whether people have fair access to those early voting centres?

Mr O'SULLIVAN—The system of early voting is becoming more popular with up to 6,000 votes being cast in that method at elections of a recent time. It seems to be a more popular form of voting. Some people certainly say that the intent of early voting was for people who were going to be away or indisposed on voting day itself. It seems to have drifted a little away from that premise where it now becomes an opportunity of convenience. I do not see a problem with that either. Now also early voting is two weeks time in duration where previously it was one week. I guess, Peter, directly to answer your question, there are usually only one or two places within some of these bigger electorates where you can do your early voting. Your example, Mallacoota, is quite a way from Bairnsdale. But I guess there are

opportunities to be arrested; postal voter for people in that area, also to receive a normal postal vote. Most of the parties tend to distribute postal vote applications fairly broadly. There is an opportunity in at that level. I do not have a view that early voting disadvantages one group over another because of the actual location or distances travelled to vote in that method because there are other methods—

The CHAIR—Thank you very much. I would like to point out to you that the transcripts of your submission will be available in a couple of weeks. Any typing errors you can correct but not matters of substance. Thank you.

Mr O'SULLIVAN—Thank you very much.

Witnesses withdrew.

Hearing suspended.