ELECTORAL MATTERS COMMITTEE

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

Melbourne—29 August 2007

<u>Members</u>

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<u>Witnesses</u>

Mr S. Tully, Electoral Commissioner, Victorian Electoral Commission; and

Ms L. Williams, Deputy Electoral Commissioner, Victorian Electoral Commission.

The CHAIR—Thank you for joining us. Now for the formalities. Welcome to the public hearings of the Electoral Matters Committee inquiry into the 2006 Victorian state election 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 witnesses that any comments you make outside the hearing may not be afforded such privilege. I take it you have received the pamphlet, a Guide to Giving Evidence at Public Hearings. For the benefit of Hansard I ask you to state your full name and address.

Ms WILLIAMS—Liz Williams, Little Collins Street, Melbourne.

Mr TULLY—Steve Tully, Little Collins Street, Melbourne.

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

Ms WILLIAMS—I am representing the Victorian Electoral Commission. My position is Deputy Electoral Commissioner.

Mr TULLY—I am representing the Victorian Electoral Commission. I am the Electoral Commissioner.

The CHAIR—Your evidence will be taken down and become public evidence in due course. I now invite you to make a verbal submission. After your submission the committee will ask you questions.

Mr TULLY—Thank you. Good afternoon, chair, and committee members. Evaluation is a key part of any process and we welcome the committee's role in this regard. The VEC as a body is open to criticism, and indeed itself is highly self-critical. We hope that our report on the election is helpful to the committee's deliberations. We also hope the information we have provided in response to other submissions that we have downloaded from the website is also helpful.

Any election event requires detailed planning, risk identification and response strategies. It is a fact of life that any retrospective analysis will focus on perceived shortcomings. In this regard we would welcome the committee convening before major electoral events so that it can be briefed and we can respond to matters on the planning process and address any data and reporting requirements. Indeed this would be most useful before the coming round of local government elections in Victoria where the VEC believes there are many issues that need urgent addressing.

One issue that is fundamental to the committee's considerations before it now relate to the accountability structure for state election management. This dominates and has a dominating effect on the way the VEC supports and reports and how it forms its systems around that. Our structures are in place to support election managers in their work. Each election stands on its own. The election manager has accountabilities under the law. The VEC provides training, support guidelines and all other support to election managers. But in this context it is important to recognise that the VEC does not electronically capture all election records, given the possibility that any election can come before a court. These records are often paper based, are signed by election officials in the presence of scrutineers and form the whole basis of the return for an election. It seems to me that there is some confusion about requirements for information and dissemination. I wanted to make that point.

However the VEC without prescribed legislation does embrace a wider reporting role. It meets with the media, parties, commentators and community representatives at an early stage, sometimes 12 to 18 months out from an election, to get an understanding of the need to meet their requests. Systems are subsequently developed, tested and implemented as agreed. The VEC uses a computer application that supports both the maintenance of Victoria's electoral roll and the administration of many, not all, many electoral activities. The application was installed in each of the 43 election offices established for the election. The software has approximately six million lines of code and management of the system is not as straightforward as some may have you believe. The VEC system management regime includes rigorous testing, as do all administrations, to

ensure that there are no unintended consequences of any programming changes. It is a fact of life with computers that once you dabble in one area you might have unintended consequences because the code links up. Our risk management protocols do not cater for the ambiguous requirements of any individual on the day of an election. We cannot do that. They have to be sorted out a long time out.

The VEC did many good things in conducting the 2006 state election. For the record, and for balance, I want to recognise the outstanding effort of all staff, particularly my election managers and my head office staff who worked incredible hours over a sustained period. That effort included more effectively reaching out to groups with special access needs, the homeless, indigenous and core groups, and setting new standards for consultation in Australia. Groups were identified and were invited to identify voting centres that were appropriate to their needs. Every single suggestion was looked at. It is a sad fact of life in Victoria that we do not have a lot of facilities at our disposal at election dates that will satisfy the high bar that exists for full disability access. A building program that could help with that would be much appreciated if that is possible.

We provided a state roll with only two minor coding errors, which is a fantastic effort. We have produced high quality ballot papers and materials without error. We set new standards for diversity in the way we advertise and went about our enrolment programs. We responded to the Casterton fires and other short-term needs that were identified and could not have possibly been anticipated prior to the election. We conducted a responsive postal vote service and responded to over 220,000 postal vote applications. We set new standards for training of election staff by making sure that every single polling official and electoral official watched a video on how to deal with people from different backgrounds or who had customised and special needs. We provided a responsive election night service. The results came through quickly and were processed quickly. We conducted all lower house counts and declared them in a timely manner. We conducted the election within budget. We conducted three counts involving over a million ballot papers within 24 hours and those returned results within standard type tolerances. We maintained our computer system on the Monday after the election day following a flood and subsequent power blackout in the precinct. All the disaster recovery procedures we had in place were required. We returned the writs a day early.

Having said that, the VEC also recognises that its shortcomings were that it did not in every case prominently display group voting tickets in all voting centres. There was a human error in calculating the upper house result for the Northern Metropolitan Region that was remedied within the time frame specified within the law. Some people have reported that the honesty and the transparency and the way we acted was in fact a good thing for democracy in Victoria. We are still smarting a bit, but we understand that we did the right thing to remedy. We also understand that in hindsight we under-resourced some 35 of our 1,652 voting centres by at least one issuing table. These matters, Chair, are explained in the report, as are the strategies that we put in place to avoid them reoccurring in the future. Our report also suggested a number of matters should be considered for legislative change. We are happy to move through those at whatever pace you wish. If you do not want to deal with them at all we are in your hands.

I wanted to talk more broadly also, because we understand that the committee has received submissions and is aware of electoral practices in other states that may well be relevant to the committee's deliberations. We have no view on those, but we commend you looking at them. For example, Tasmania and the ACT do not permit canvassing for votes within 100 metres of a voting centre. They have no ticket voting, and there is an absence of how-to-vote cards. These administrations rotate members within the ballot paper group under the Robson Rotation. I have heard others say that this is not going anywhere near far enough and that they should be rotated on the ballot paper as groups as well. That would lead to possibly many hundreds of ballot paper versions for each region. Queensland and New South Wales have optional preferential voting in the lower house. This appears to significantly reduce informal voting. In South Australia ticket voting in the lower house is allowed under the scrutiny provisions. I certainly know there that has a major impact on informality rates. The VEC is also aware of a large level of support within the community from work when we go out for first-past-the-post. We advocate no system, but put them before you. In the ACT electors voting for one candidate have their vote counted under the scrutiny provisions, even though the ballot paper instructions say that they need to vote for either five or seven candidates.

The committee, as we understand it, has also heard that extending electronic voting could reduce informality in some communities that are not literate in any language. In the longer term, electronic voting could also reduce the electoral authority's significant impact on the environment. At the moment we try and purchase all recycled materials or ones that are certified by sustainable forestry bodies, but our impact in ballot paper and

other paper and cardboard is not insignificant. Mr Chair, all administrations have an electoral roll close and despite best efforts there are always those who attend a voting centre and are not on the roll. Roll close dates have their history in printing requirements and time frames. You need to get it to the printer so the rolls can get printed in time. But the VEC says that times have changed and we need to look differently and to consider options that may allow more automatic roll updates and may permit people to enrol and vote on the same day, as they do in Canada. This move if implemented could also have a profound impact on participation.

In conclusion, Chair, the VEC does not shy from criticism that it deserves, but suggests that the real impact on participation and even close electoral outcomes lies in the Election Rules, such as the enrolment provisions, counting provisions and scrutiny provisions, and in the expansion of electronic voting. We will answer any questions that you may have for us to the best of our ability. We thank you for the ability to introduce our session.

The CHAIR—I will start off. Before I do, thank you very much for releasing the report early. I understand it was due to be released in November but you have brought it forward. Thank you, it has been a great help. My first question relates to informal voting. I will refer to your graphic summary.

Mr TULLY—Yes.

The CHAIR—On page 3, the last graph there, indicates Victoria at 4.6 per cent has the second most informal voting votes cast behind Western Australia. Why is that?

Mr TULLY—Chair, I tried to explain that there is a possibility that it is the result of different voting systems. In New South Wales and Queensland there is optional preferential voting. Somebody who votes one, or one, two, in a contest of a number of candidates will have their vote counted. In Victoria if somebody votes—has to complete a number in sequence that starts with one and ends with the number of candidates that there are on the ballot. Many people fill in one, or one, two, and their vote fails; it goes to the informal pile. That is a clear provision of the legislation. In the ACT I tried to explain earlier, Chair, that even if a person votes one—they do not have upper house elections there, they have three multi-member electorates in their lower house, but you only need to vote for one for that vote to count. Again in Victoria, below the line you need to vote for at least five. I am sure there are scrutineers from all parties that will say that there were a number of votes that failed below the line because they did not make it to five. It is the rules, Chair; in short, the rules. The legislation that the parliament passes that we put in place, those rules are in a large way responsible for those informal rates. I mentioned also in South Australia there is a voting ticket that applies in the scrutiny provisions. If someone votes one in the lower house and the candidate submits a voting ticket, that vote translates into the vote as described on that voting ticket and becomes a fully preferential vote. About three per cent of people vote that way.

The CHAIR—Western Australia is comparable to the eastern—

Mr TULLY—I think Western Australia is comparable.

The CHAIR—Yes.

Mr TULLY—I think it is fully—yes. Again, I am saying that is the consequence. They are matters for you.

The CHAIR—I understand that. Page 2, the second graph there on the right, Informal Voting at Victorian State Elections. From 96 there has been a steady trend up from 2.3 per cent to 4.56 per cent. Why is that?

Mr TULLY—I would suspect that it is as a result of a larger number of candidates standing in contests. When there is a three-cornered context, an elector only needs to vote one, two. When it is six, then you have to make it to six; when it is seven, you have to make it to seven. It could be—and I suspect that the main reason is—and all the research that I have been involved in demonstrates—the more candidates you have the higher the informal rate will be. I know local government is not relevant, but one of the matters that concerns us greatly is that in some elections in Brimbank, we know that the informality rate is going to be 25 per cent to 30 per cent. That is, in our view, something that requires urgent attention.

Ms WILLIAMS—If I can add there, we also suspect that the introduction of the new upper house, and some analysis has shown that later in the report, suggests that there could have been an increase in the incidence of voters voting one only on their lower house ballot paper and confusing the instructions.

The CHAIR—I was coming to that. If I could indulge myself another question. I now refer to the graph Ordinary Absent Postal and Early Votes at Victorian State Elections. There seems to be an exponential increase in postal and early votes from 9.8 per cent in 2002 to 15.5 per cent in 2006. That is backed up in the Executive Summary by the early votes which have increased from 163,000 to 255,000 and the postal votes which have increased from 201,000 to 226,000. What has caused the increase in this trend?

Mr TULLY—I think, Chair, that one of the major reasons is the mobility of the electorate. There are far more Australians overseas visiting, far more people interstate. There are people who have busy work and life schedules and that is reflected in not being in the electorate on election day. We also have an ageing population. The last set of amendments to the Electoral Act made it possible for people over 70 in Victoria to be general postal voters without applying. That has immediately increased the postal vote distribution quite significantly. Also I think that the political parties have become quite sophisticated in wallpapering the state with postal vote application forms when they are doing their campaigning and that many people have latched onto that and thought that they would deal with their voting obligations through a postal vote.

The CHAIR—But the early votes in particular could not possibly be due to natural circumstances. It has to be something else. 163,000 to 255,000, there has to be maybe a reinterpretation of who can vote at—I do not want to put words into your mouth, but surely there has to be something more to it.

Mr TULLY—No. I think it is mainly—

The CHAIR—It is not a more flexible interpretation on who can vote at the early voting centres?

Ms CAMPBELL—Wasn't this the first election that those over 70 automatically had a postal vote?

Mr TULLY—Yes.

The CHAIR—No, this is the early vote.

Ms CAMPBELL—Yes. But they are postal and early votes.

The CHAIR—No, turnover.

Ms CAMPBELL—It is this one here.

Ms WILLIAMS—This was the first election there was—

The CHAIR—Executive.

Ms WILLIAMS——a change in the postal and early voting criteria. There used to be a long list of criteria that applied, that enabled people to have a postal vote or an early vote.

The CHAIR—This just relates to early votes.

Ms WILLIAMS—Yes.

The CHAIR—Obviously change of criteria I can understand.

Ms WILLIAMS—Yes.

The CHAIR—Yes. But something has happened for it to go out by that much.

Ms CAMPBELL—You are saying postal votes have only gone up 20,000 but, yes, early votes have

gone up—this is at the top of page 4.

Mr TULLY—I think it is a mobility issue. I really do. We advertise it. We put it into our program. More people are on the move. We only had to look at the number of events that were on when the state election was on: we had sprint car races, we had Sexpo, we had—

Ms WILLIAMS—Queenscliff Music Festival.

Mr TULLY—Queenscliff Music Festival.

Ms WILLIAMS—Earthcore Music Festival.

Mr TULLY—Was there a Great Bike Ride?

Ms WILLIAMS—Great Victorian Bike Ride.

Mr TULLY—Those events in themselves, we would have worked with those organisations and said to people who were participating and work with them to say, 'Go and vote early or you might forget on the day.'

The CHAIR—There was not a change in the length of time early polling from 2006—

Ms WILLIAMS—No, exactly the same.

Mr TULLY—It was exactly the same.

The CHAIR—Okay.

Mr HALL—It boils down to a convenience factor. People go there to avoid the queues on election day and the great hassle of election day.

The CHAIR—There is a big disparity, that is all.

Ms WILLIAMS—It is a week later too.

Mr SCOTT—There are a couple of issues. There has been a discussion, you referred to it about issues surrounding electoral enrolment because there has been a number of discussion about issues with young people and electoral enrolment. Would you see the possibility of—and this is obviously outside your control, but I know in a number of other jurisdictions internationally there are links to citizens' interactions with government like drivers licence, Bond Authority, utilities would be linked to the electoral roll. Is that what you meant when you raised automatic process of enrolment earlier in your presentation?

Mr TULLY—Yes, it is. Already, you may be aware that the VEC has an active continuous roll update program where it uses data from the Secondary Schools Authority to write or give birthday cards to all 17-year-olds. We have a relationship with the Residential Tenancies people. We have a relationship with VicRoads. The Commonwealth has a relationship with Australia Post where we all combine and use those data sets. But what we do is, we get alerted of a change of address, we then write to the individual saying, 'We think you've changed your address. Do you want to update your enrolment details? Here's a form to do it.' The response rates are getting lower and lower because the form is getting more and more complex. People want to do it online or they want it easier or they will say, 'Well, you already know. The government already knows where I am. Why can't you just use that record?' It is a different mindset in the public that we are dealing with, expecting that they are going to sit down and fill out what on first sight is probably a complex looking form and they are voting with their feet, so to speak, by not returning it. We are getting 30 per cent response rate to our mailouts and to our doorknock.

Mr SCOTT—Can I follow up, Chair, to that issue. It would seem to me—and I know this has been raised a few times—that it is young people particularly who both are less likely to fill in the forms but are also more transient in their housing would seem to be—I have seen the data about who enrols in the period close to

the election after issuing the writs—doubly affected by this process. That is the sort of group who misses out on electoral enrolment.

Mr TULLY—Yes. Through you, Chair, we are seeking some endorsement hopefully from you that this is a good idea for us to pursue. There are issues with research authorities that we need some authority, and if we had the committee's support I am sure the Attorney-General would be amicable to directing us or asking us to do some research into this area. We have colleagues in Queensland and New South Wales who are interested in joining us because they are experiencing the same issues with their roll. Victoria works hard at its roll and I think we have the best enrolment level compared to the census data of any state except Tasmania and any territory except the ACT which are much smaller administrations and easier to contain, and not as mobile.

Mr SCOTT—The second question that was a follow-up was, in regards to informal voting, I would firstly like to thank the VEC for the excellent table contained on page 92 of the report. I think that provides very useful information to any understanding of informal voting and allows a committee like this to make much more informed analysis rather than simply relying on scrutineers' anecdotal evidence. On a broader issue I think the VEC has been very responsive during this process and has provided an excellent report to the committee and to the parliament. I know it is noted in your report, it seems clear to me that a large number of people are attempting to vote but not successfully negotiating their way through the voting process.

Mr TULLY—Yes.

Mr SCOTT—Would that be a view that the VEC would share?

Mr TULLY—Yes, we would.

Mr SCOTT—Thank you.

Mr HALL—First of all, thank you for the report. I found it a very good report, Steve and Liz, congratulations on that and your timeliness as our chair has already proceeded presenting to parliament. Can I ask first of all a question in regard to the recommendation you made in your research and suggested that parliament may need to, or may consider, the appropriateness of the current public funded system. What prompted you to make that recommendation?

Mr TULLY—As electoral people, we keep our eye on what is happening overseas. We keep our eye on what is happening within Australia. There is a body in Australia called the Democratic Audit of Australia which has money—I might not be absolutely right here, but I think it has money from the Australian Research Council to conduct research and to do electoral audit work. I was invited as a practitioner to attend one of their sessions which I went to. I played a very straight bat, as you would expect from an administrator, saying we administered the laws as they are. But there were some high quality papers presented there which raised, in my mind, or focused my mind on this as an issue at least that has been developed within the academic areas of Australia and around the world, and that it is an emerging issue. I know—from people I know in Canada— that electoral funding and disclosure is probably the biggest issue for the Electoral Commission; it is, 'Where is the money coming from for political parties and candidates?' In Canada that they appear to be concerned about the gun lobby running big cargoes of money through Canada to get support. They are very anxious about that. In England there has been quite a bit of debate and exposure on how people have been making donations to political parties and receiving peerages as a result, or apparently, coincidentally—

Mr HALL—Allegedly.

Mr TULLY—Allegedly, yes. Coincidentally they did receive peerages and they did make donations. I suspect that it is a coincidence. It is an emerging issue and I think I would be remiss in my role—it has nothing to do with me, but I would be remiss in my role if I did not bring it to your attention and say something like I am saying now, it is an issue worldwide. There is the Democratic Audit of Australia who is clearly concerned about it. You have received papers on it. It is up to you to consider.

Mr HALL—Could I ask, going back to the issue about informality of votes, given the fact that you conduct postal voting in local government elections at least, can you make any comparisons between the level

of informality in postal voting as compared to presentation voting?

Mr TULLY—Yes.

Ms WILLIAMS—I can answer that one. Yes. As a general rule we have done some comparisons in local government. The level of informality for the postal elections is generally lower than at attendance elections.

Mr HALL—By a significant amount?

Ms WILLIAMS—The two factors that seem to impact on the level of informality are postal versus attendance elections and the number of candidates. Given an equal number of candidates, postal elections tend to get a better rate of formality. I could not tell you, because they vary depending on the number of candidates.

Mr TULLY—On average about one or two percentage points. Informality for a postal election is typically lower.

Mr HALL—Yes.

Mr TULLY—We have a report on that which we can forward through—

Ms WILLIAMS—We have a report. We have done an analysis of that.

Mr TULLY——the secretary, executive officer, Chair, if you want. We can forward that report to you.

Mr HALL—If I could ask one more, as I do have to leave at 4 o'clock and I apologise in advance for that. Given the successful operation of electronic voting that was trialed in this election, and albeit that there were only 199 people who took that opportunity, I note in your recommendation that it could well be extended to a broader group of people if the legislation was changed and that is something the committee I am sure will give consideration to. Given the fact that the process requires some time for people to sit down and electronically vote, Vision Australia, I think it was today, said typically it could be between 15 and 30 minutes compared with a person's experience in this particular system.

Mr TULLY—Yes.

Mr HALL—If it was opened up to a broader group of people, would there be some changes required in how it is undertaken? I asked the question this morning about whether there would need to be an appointment basis for people; rather than sitting in a line of four people who are going to take half an hour each before they can come in, would there need to be some administrative changes to make it an efficient mechanism for people to come in and electronically vote?

Mr TULLY—Thank you for that question. The trial did prove that electronic voting can work. Why it takes so long is because of the upper house paper and going through the instructions and all of the candidates, that, by the time you get it out, takes some time to work through. If we are going to deal with language issues, we are going to have the same sorts of time constraints if we get 40 or 50 candidates. It takes a while to read them out. To be prescriptive, the last thing we would want to do is do some shorthand that misleads people or leaves us open to not proper instruction. I suspect a lot of it rests in the size and the number of candidates. If they know who they want and they can make a hit, that is a possible; they go in and they give an order and say, 'I want to vote for,' maybe that is possible. We have not looked at that, but we could. Again we are keen to look at anything that would help people have their say.

Mr HALL—If the committee was going to open up the criteria for electronic voting, then you would need to look at the logistics of that, the time factors involved in people coming in et cetera.

Mr TULLY—Absolutely, and again there are security issues and it takes us into another debate, Chair, but remote arrangements are available as well. Everyone is nervous, including us, about security in remote electronic voting. They do it in the UK with some success. It is hideously expensive. But that is

another thing that could be looked at again to see whether there have been any improvements in security.

Mr O'BRIEN—Good afternoon, Commissioner and Deputy Commissioner. The question about your recommendations regarding witnesses on postal vote declarations, you state in your report that the election manager checks the elector's signature on the original postal vote declaration against the signature on the original application, a declaration to reject it where the signatures do not match. Do you have any figures on how many times that has occurred in the last election?

Mr TULLY—We could probably get them but they would be very much in the minority.

Mr O'BRIEN—I would hope so, but I was wondering if you are talking about dozens or hundreds?

Mr TULLY—No, it would be more, a handful.

Mr O'BRIEN—Something I am concerned with: you recommend the requirement for a witness for a postal vote application be removed. Isn't having a witness there a barrier to fraud and a barrier to possible intimidation?

Ms WILLIAMS—The recommendation was to have the witness signature on the declaration removed so that the voter applies for a postal vote and the application is required to be witnessed. We then send out ballot material—

Mr O'BRIEN—I will quote from what you say here—and I may have misread it:

> Consideration should be given to removing the requirement for postal vote declarations to be witnessed.

Ms WILLIAMS—Yes, the declaration is what comes back. A voter will apply for a postal vote and on the application will sign it and have their signature witnessed to say that is their signature. We then send out the ballot material which includes a declaration envelope which the voter will then sign. We check that declaration signature against the signature on the original application which was witnessed, but the legislation currently requires the declaration to be witnessed as well, even though the signature of the voter matches the signature that is on the application that was already witnessed. The recommendation is removing the requirement for that declaration to be witnessed.

Mr TULLY—Through you, Chair, there would be, I suspect, hundreds of those that come back not witnessed that are rejected, or that could be rejected.

Ms CAMPBELL—Really? That would be relevant information—

The CHAIR—I would be interested to know that.

Ms CAMPBELL—because people are hurrying at the end obviously.

Mr O'BRIEN—Also in the same category there is an issue with the designation of the witnesses—people put in 'Mister' or 'wife' as opposed to 'elector'. Could a graphic designer help us with that? Could the form be better designed so it is made quite clear that, 'You are authorised to witness this if you are an elector.' Do they need to fill in the term 'elector'? Can it be made clear that, 'You can only authorise this if you yourself are on the roll'?

Mr TULLY—I am sure it can. It is a prescribed form so we can provide you with some make-up work on that if you request, through the chair. We can do that.

Mr O'BRIEN—It sounds like something that could be relatively easily dealt with.

Mr TULLY—We believe so.

Mr O'BRIEN—Hopefully you avoid having to redo your work. If the problem is only picked up late

enough in the day you may not be able to get the elector to resolve the issue in which case #(indistinct)

Mr TULLY—That is right.

Ms CAMPBELL—I have two questions: one relates to the involvement of new citizens. I know the AEC and the VEC do their very best at citizenship ceremonies to provide documentation that people fill in, but not everybody does and some councils are better at it than others in terms of articulating from the floor how important it is before you leave and it also is often dependent upon the level of encouragement given by those sitting at the table. Do you have a back-up system that you engage in if the person, who is a new citizen, has not enrolled at the citizenship ceremony?

Mr TULLY—Yes. Collectively we draw data from a range of authorities, including Centrelink, Australia Post, the motor registry, the residential tenancies, schools authorities, DFAT. When there is somebody that is not on our records that appears on another record, we follow them up and say, 'You appear here. You may be eligible to enrol to vote if you are an Australian citizen over 18,' and they would be sent a letter through that process as well. What I would be hoping that would happen in the future is if we could get access to all of those people's names and their addresses, we would automatically put them on the roll because they are eligible.

Ms CAMPBELL—That was what I was getting at. I would have presumed that you would have had the ability to get that.

Mr TULLY—No.

Ms CAMPBELL—You do not?

Mr TULLY—Certainly not.

Ms CAMPBELL—That would require federal legislation, not state legislation, to provide you with that documentation, I presume.

Mr TULLY—Certainly at the moment we have a joint roll arrangement that is signed by the Governor of Victoria and the Governor-General of Australia that every state and territory has, and those arrangements have times where they can be renegotiated but you need to give a year's notice. Also we currently share a joint form that covers both state and federal requirements. I do not think anyone is particularly proud of the form, it is more of the best we can do given the strong requirements that the federal agency has at the moment and the federal government has with its proof of identity. It is an amalgam. The Commonwealth under the present government arrangements have proof of identity and are very strong on it and are unlikely to want to change their side of the form.

Ms CAMPBELL—We could well be making a recommendation that our minister make representation to the federal minister responsible. I would hazard a guess that might be one of our recommendations but that does not go to the very point I was making that relates to just the new citizens. Forget about everybody else—just the new citizens. They go to the citizenship ceremony—roughly now in my area we have got it up from around 80 per cent to 90 with the last figure I have. My concern is those 10 per cent that are still falling through the cracks. They may not be on any other form. Even if they were on dozens of other databases I want to know how we are following up the new citizens as a matter of course.

Mr TULLY—I would suspect that information is available and that the AEC follow them up by letter but they will not enrol them unless they complete an enrolment form.

Ms CAMPBELL—You do not know whether they do send a letter in three months—

Mr TULLY—No, I would need to check on that—

Ms CAMPBELL—Would you, please? Thank you.

Mr TULLY—but I am almost positive that they do get details from DFAT or Immigration or one of

those bodies, DIMIA. I will double-check to make sure—

Ms CAMPBELL—I would appreciate that; what regime they engage in, whether it is no letter, one letter or more than one.

Mr TULLY—The standard response for each area is first letter, second reminder letter and then personal visit or follow-up, but I will check whether they do that for new citizens.

Ms CAMPBELL—My second question: a number of us are concerned about the level of informal votes, as are you, and we have heard evidence that the level of informality with electronic voting is virtually nil. Given the efforts that you have gone to to ensure that people know and understand how to vote correctly in electronic voting, is there anything you have learnt this time that you think could be transferred to non-electronic voting?

Ms WILLIAMS—I think the advantage with the electronic voting is that there is a check when the elector completes their electronic vote the system tells them whether it is formal or informal and asks them do they want to fix it.

Ms CAMPBELL—Okay. Is there any lesson you have learnt from that that could be useful?

Mr TULLY—I do not believe so. We do not have the ability to look over their shoulder and neither do we want to.

Ms CAMPBELL—I have had some past experience with disability organisations and plain English and I must admit I am absolutely convinced that all levels of government need to do far more plain English than we do. You are probably already familiar with the evidence we have received that basically 50 per cent of the community have a fairly minimal level of sophistication when it comes to the English language. We sometimes focus on non-English-speaking background and forget there are many people who are born in this country whose first language is English and it is not very good. It goes to instructions on the ballot paper and different instructions, different wording they have put on the Liberal Party how-to-vote and the Nats how-to-vote, the Labor how-to-vote, the Greens and the Democrats. Would you have a comment to make regarding consistency in the instruction of how you are to vote so that it would be basically identical on each registered how-to-vote and your ballot paper so you have the reinforcement coming from each of those sheets of paper?

Mr TULLY—Easy English and instructions are always an issue for us and an internal one with those people who are in the communications profession stretching interpretations of quite complex statements into simplified statements which sometimes lose their legal meaning. There is a tension between what the law says that we have to say and what we can say in easy English, and we battle with that. Our normal process is to try and do it through focus groups and say, 'Does this make sense? How can we make it better? How is it more useful to you?' That is the major way we would use test materials that we are going to put out, and a lot of them are prescribed materials as well.

Ms CAMPBELL—That goes to part of the point but what about reinforcing and having identical instructions on all the registered how-to-vote cards. If you have gone through the focus groups and you are so convinced it is accurate, what comment would you make on all the registered how-to-vote cards having the same instructions so people do not go in and they have one set of instructions on one how-to-vote, different instructions on a different how-to-vote and then they go in and you have your instructions?

Ms WILLIAMS—That would be a matter for the law-makers too. When we register cards, the matters that we must consider in registering the cards are prescribed. There are very few of those. If the requirement was for the instructions on the how-to-vote card to be the same as the instructions on the ballot paper, that would need to be prescribed.

Ms CAMPBELL—We have also had evidence which I understand you are aware of that some of the instructions in non-English were not as accurate as they should have been. Have you had feedback in that regard?

Mr TULLY—Again translations are always problematic. There will be some groups within a particular community will say, 'That's not the right translation,' and others will swear that it is. We use accredited translators and that is the best we can do.

Ms CAMPBELL—As you have done focus groups for the English, do you do focus groups for each of the community languages?

Mr TULLY—No, we translate the English. We give them the English and then say, 'Translate this.'

Ms CAMPBELL—Would you see merit in—if you do focus groups for English—having focus groups for non-English?

Mr TULLY—We could, yes.

The CHAIR—Commissioner, it seems to me that well trained VEC staff were critical in the integrity of the electoral process. I refer now to the 2006 Victorian state election indicators, page 5, under Personnel, 'Training hours for senior election officials'. I note there has been a decrease from 9,984 hours down to 6,600 hours. Can you please expand on that and has that affected the quality?

Mr TULLY—I will ask the deputy electoral commissioner to respond to that, but of course one of the advantages of having a fixed election date is that you do not have three or four training sessions just to bring them up because an event might occur in the near future. The fact that we have a fixed election date has meant that we have been able to target with confidence our training and to be more efficient with it. Along with that we have not had any major changes to legislation at a critical time, that is after they have been trained, to recall them to retrain them in a new procedure, but I will ask Liz to respond to that.

Ms WILLIAMS—The training that each senior election manager received was very much the same as 2002 but we did have fewer election managers. We had offices established this time that looked after three districts in many cases, as well as offices that looked after two and one. We had 43 election managers this time as opposed to 53 in 2002, and similar numbers of assistant election managers to support them. The amount of training that they individually received was very much the same, but in total was reduced because we had fewer election managers. Our managers have four days introductory training when they first join the VEC and then in the lead-up to an electoral event, such as the state election, they all had six days of training plus 24 hours of home study, as well as in-office preparation in the month of October.

The CHAIR—With respect to the northern metropolitan—the error there, I notice that you have rectified that. Can you please tell the committee what went wrong and how you have rectified it.

Mr TULLY—The Northern Metropolitan Region as a group was the one that was coming in last as far as its progress was going in counting of votes and we put extra resources to assist. We did the preliminary work of check against gross error, that is how many ballot papers should there be in the count by comparing the total of all the district numbers within that region and by looking at previous counts on the night and what we expected and reasonable tolerances. It was agreed that if the number came within the certain parameters that we would move ahead. We knew how many ballot papers were in the count, we would push the button. In the heat of all of that and a change of shift and a change of procedure, one number, an above the line number was read into the system incorrectly. It was read in as 46,650, instead of 40,650. The number of votes for the Liberal candidate were well over and above what they achieved. If we had gone back and looked at the acceptable parameters that would have clearly shown to us that we had too many papers and there was something wrong with the count. It was the last one that came in—a read-back, replicated the error, the button was pushed and everyone fainted.

We knew that something was wrong and to be fair the parties knew something was wrong. We were immediately accused of the algorithms in our program of counting were incorrect. All of our effort for the first two hours went in a line-by-line check, that there were proper carry-overs, transfer values and calculations, and it all looked okay. It was not until we went outside and saw back to—how many ballot papers were there in that and how many there should have been, that we realised that there were too many ballot papers added in and it was clear, we found out where that error was. Given the possible loss of confidence in that count, the possibility that some would say there are compensating errors that make it even worse, we decided to do a full

re-count. I certainly notified all of the registered officers of parties very early on that there was a mistake we had made and that I believed was going to have a profound impact—I think I used those words, a profound impact on the result. We counted it all within the time, it was far better than it being discovered later a declared result. It was our major error, it was unfortunate, it was rushed, everyone was tired. I take responsibility for the error.

We will rectify it by separating completely the counts for the regions. We will have them all transported to a regional centre, one person responsible for each region, and we will get our normal election managers out of the process, except for bundling up and sending them off. The scrutiny and the reporting will be quite clear. It will cost more money but that is what we will do, and we have made provision for that in our next budget.

The CHAIR—What about in terms of data entry and calling the figure out? Any indication—

Mr TULLY—Well, that is right. That is a complete call-back. All numbers will be read as 'four zero six three two'.

The CHAIR—Each digit will be—

Mr TULLY—That is right, and there will be a third read-back. When there is an error like that it really does stand out.

Mr THOMPSON—We have had one or two submissions in relation to the registration of political parties, a minimum requirement of 500 names. First question: that is a process that the VEC looks after?

Mr TULLY—Yes, it is.

Mr THOMPSON—Concern was expressed that there may be some infringement on privacy, especially those that might have work interests, to ensure that their personal political views may not be made more manifest to the wider world. Are you able to outline the process that the VEC follow in checking the appropriate registration of political parties and whether you have any anecdotal observations of that process as applied to the parties that sought to register for the last election?

Mr TULLY—Through you, Chair. The requirements for registration are that a political party must have at least 500 members who are electors. The legislation currently provides that a party who does not get more than a certain percentage of votes for the electorates that they contested at the last election has to be reviewed. I am assuming that it would be one of those parties that has been reviewed so they get asked again to fill in a statutory declaration saying that they are a political party that has a constitution, has political purposes, and to provide us with a list of 500 members or more who we write to and ask them to verify that they are in fact members of that political party. What made it a compounding issue for some of the parties is that we did the re-registration test in the year leading up to the last election, as we have to because there is a mid-term re-registration that all parties have to go through. For example, some parties will have to go through that test three times within four or five years. We understand that for some parties they really struggle to get to 500 and we are mindful of the events that happened with Pauline Hanson's party in Queensland where allegedly at one stage it was said that people were not in fact members of her party, they were members of a support group. They did not know what they were signing, whatever. We implement these proceedings for all parties, we get something back from the member saying that they are a member and we check them off the electoral roll then to make sure they are on the roll and once we get to 500 we give them a tick. It is seen as onerous. I am sure if it was dropped to 400—because that is a magic figure—that they would be happier. I have not heard those arguments that it infringes on privacy because we sent correspondence to whatever address the party tells us that their member lives at.

Mr THOMPSON—From your point of view the names of members supplied to you, there is a secure process that applies to the names of those people.

Mr TULLY—Absolutely.

Mr THOMPSON—If someone went to another limb of government their interests would not be—

Mr TULLY—In fact a major party was anxious about that also and as soon as we had finished our work we securely destroyed the records and gave them back their file. We kept no record. Once we are satisfied we do not keep a record.

Mr THOMPSON—Yes. Another question—and this might be more on a policy issue that you may not be as free to comment upon. The requirement that there be a minimum of four per cent of a vote attained by a party before they are entitled to reimbursement on the pro rata scale, do you think the four per cent figure is a reasonable figure?

Mr TULLY—You are right, that is one we would not comment on.

Mr SCOTT—Just an issue in regards to voter participation, I note there was a significant variation between the assembly districts between participation of people on the roll who voted and particularly in the number of inner city seats—Albert Park, Melbourne, Malvern and Richmond. There was a significantly lower participation by voters which occurred. An anecdotal reason that it occurred—it has been said to me—was that there was a potentially more transient population in the inner city of students and people like this, hence the electoral roll may not be as up to date as some other areas. Would you have any other explanation for that variation?

Mr TULLY—Through you, Chair. Again I think it is a matter of mobility that they are where the units and the high-rise apartments are and that it is a transient and mobile population, particularly within there, and it is hard to catch them at home on election day or in the election period. Notoriously you will find that those electorates have a relatively low participation rate and that would be reflected in similar seats in other states. For example Adelaide in South Australia would have the same issues with students and transient population et cetera.

Mr SCOTT—To follow up, I note there seems to be a declining trend of voter participation across recent state elections. Would you have any explanations for that?

Mr TULLY—Through you, Chair. I am trying to get my hands on a piece of research which I am sure I have read, from a gentleman called Rod Medew from the Australian Electoral Commission which demonstrates a high correlation between participation of those voting in an election when there is a change of government. If you look at those statistics you might well see that the high points are when the Kirner government was replaced and then again perhaps when the Kennett government was replaced. It is certainly true at federal level as well, that when there is a sense of a change or a mood for change you will get higher participation rates. Without going too much into the world of the commentators—although I do not read a lot of the commentary at the time of election—my sense was that the election was written up as fairly much a no change election. There was not this big media hype about, 'This is going to be a cliffhanger,' and that generation of interest, or an angry election. I sense that research from the AEC is probably on the money as far as most people will come out when they have a view that they really want to express.

Mr O'BRIEN—Commissioner, just to take you back to your recommendation on postal voting, you have recommended that the commission has a statutory monopoly on distribution of postal vote applications. To clarify for the record, parties do not receive the ballot papers at any stage during the postal vote application process. I am wondering why, as your report indicates, some voters have felt upset in some way that parties have provided them with postal vote applications.

Mr TULLY—Yes, through you, Chair, this is one, of course, is not just relevant to Victoria but we do receive written complaints and we also have a website where we receive complaints during an election. I know I was interviewed by Jon Faine who had people ringing up complaining, believing that they had been tricked into giving their personal details to political parties, and they thought that the material was going to the electoral office, and were somewhat upset to find that it had gone to a political party. In our dealings with political parties we certainly recognised the Australian trend for parties to be involved in postal vote campaigns. Publicly at the time I said, 'Well, the political parties want to know who's not going to be around and voting in a booth so they can get material to them, I understand why they want to do it.'

The difficulty does arise, when there are these complaints and people have these views that there is an unhealthy alliance between the Electoral Office and political parties. Whilst we do have a good professional

relationship with political parties, this does get into the area of grey as to who is administering, who is mobilising the vote. It is those complaints—there were a number. I can pull them off the website and again we can furnish you with those details—100, maybe not, but there was certainly a feeling. We will get those numbers that were a concern. What always worries us is that we will get the applications after they have been processed but so late in the day that we cannot get the votes out. In fact we did get a number right at the end which we ran—and we tried to do our best to make sure that they knew they were not going to get voting papers—but we got them, that were imperfect, that political parties delivered at the last moment. Now, I am not having a crack at them at all. I do not want this to be seen as us having a shot because we are not. One in all in with the postal vote applications. It seems to us to be a cleaner process to have one authority issuing postal vote applications.

Mr O'BRIEN—Is the commission proposing that it would send a postal vote application as widely as the parties currently do at their own expense?

Mr TULLY—No. Our view is that we need to recognise mobility. We need to recognise that people do want to vote early. We will be doing more for early voting in person for the next election—that will be unless the committee legislates or has a view that prevails that is different; we will do much more in early voting in person. For postal voting, we will run our normal campaign and people could download an application or go to a post office or get one from any election office. I think it does cause some confusion. People are capable of misinterpreting where one roll ends and the other starts. It is something that I would like cleaned up, but I expect to be spectacularly unsuccessful.

Ms CAMPBELL—I have two questions. One relates to the upper house and batching, and how scrutineers can better verify what is—the improvements that you have told us off the record that I thought you might want to put on the record. That would be helpful. Also with the upper house, whilst parties or governments are hanging on the results every second from their perspective, it feels like an eternity. We have had evidence that it would be helpful if the websites were updated more than twice a day. I would be interested in your comment on whether—if you are to ensure that the batching and scrutineering is more robust from your perspective and the public's perspective—it would be possible to also update your websites more than twice a day?

Ms WILLIAMS—We will start with the batching to start with and the arrangements with scrutineers.

Ms CAMPBELL—Right.

Ms WILLIAMS—All of the below the line ballot papers—and it was at the Melbourne Exhibition and Convention Centre, MECC, we call it—were batched into 50s as they were received after being reconciled against the records from each election office. They were all numbered and those batches are set up in the data entry application. We can monitor the progress of data entry as we go in terms of where batches are and how many ballot papers have been entered. At the end of the process we can check that all batches and ballot papers within those batches are accounted for. In terms of scrutineering—and we recognise that for scrutineers, it is more difficult for them to observe the process if that observation is by watching the data entry operators because they are very quick. What we have implemented is the ability for scrutineers to request batch reconciliation reports. They will say, 'Can I check or audit batch number 63?' and a report can be printed off showing the exact numbers or preferences that have been entered for each ballot paper in that batch. They can sit down and observe those ballot papers and check that the data entry is exactly as is shown on the report. That audit process allows scrutineers to pick random batches and sit down and look to make sure the data entry is exactly as the ballot paper is showing. The other report that enables scrutineers to keep up to date with how data entry is going is one that provides first preference results. They are produced progressively during the count.

Ms CAMPBELL—What you were also going to, instead of having as you have described there 'a batch' checked, that before the result was keyed into the computer that if, for argument's sake, there were 100 batches of 50 first preference for Liz, then someone had the ability to quickly check randomly a number of those batches to check they were all number 1 Liz.

Ms WILLIAMS—No, they are not sorted. They are all mixed. The advantage, we do not pre-sort the ballot papers into first preferences. We do not do that.

Ms CAMPBELL—I thought you had me on side, but you have me worried again.

Ms WILLIAMS—Okay.

Ms CAMPBELL—Well, that is that, and updating more often than twice a day.

Ms WILLIAMS—I guess it is understanding the requirements before the election period. In terms of updating the website, we can implement updates a number of times a day. We had a plan to update twice a day. If a plan requires an update three times a day then we can certainly plan to do that in future elections.

The CHAIR—There is no logistic problem behind that? You can do it. You have the capacity to.

Ms CAMPBELL—My other question related to the Albert Park and the Williamstown by-elections. Are there any items that you believe—lessons you have learned from the last election that you want to road test on this election; these by-elections?

Mr TULLY—The by-elections, every election is taken with the same level of care. With a by-election there are not the same levels of complexity with absent votes, upper house; there is no upper house. It is a lot more straightforward. It should be a lot more straightforward process. We are not trialing anything revolutionary. It should be an easy vote—slowly—we have good staffing levels. We should be—

Ms CAMPBELL—If I could ask a specific question: what level of disability parking is out the front of each of the pre-polls that you have already organised?

Mr TULLY—That is a good question. That is one of the issues before us all the time, is disability parking. Even for the Melbourne Town Hall, we had enormous problems. For these facilities, it is not like they hang from the rafters. We have to take what we can get. In both cases, they are less ideal than we would want, but we have money for a two or three month lease. It was hard for us to find premises to start with and we have taken what we can get. It is unsatisfactory from that perspective—

Ms CAMPBELL—How much disability parking is out the front for each of them?

Ms WILLIAMS—There is no designated disability parks at all out the front of either.

Mr THOMPSON—This may have been a matter that was earlier addressed. Refer me to your report. Mention was made earlier today regarding waiting times of some polling booths being an hour or so. Is that something you assess as to try to triage appropriately in case there is a massive build-up of certain demographic features?

Mr TULLY—It certainly is. We went into the election when there is no doubt there has been tremendous growth in certain areas of Victoria and there seems to be enormous visitation to the city of Melbourne. That in some cases was well outside of our planning predictions. The next time there will be a federal election—I was hoping before, but it might not be now, but certainly at close range—we will do everything we can to look at our figures and make some even more worst-case scenarios where it is not as easy to force people to go where you want them as it once was. Like at the Malthouse voting centre, that was a new voting centre that was rushed off its feet. Normally when you establish a voting centre it has a slowish take-up. That one was rushed off its feet. The City of Melbourne in the Melbourne Town Hall was always enormously busy. We were restricted there by space. We cannot do much more, unless we find another facility, and if we find another facility will it be as well placed? We will certainly have a lot more early voting centres next time. We will have better information, I believe, for the numbers that are likely to attend booths so we do not miss out on 36 like we did last time.

Mr THOMPSON—Are you aware of how many booths had queues that might have taken, let us say 30, 40 minutes to get through?

Mr TULLY—In our report to you, Chair, I mentioned last time that we met that there has been—we engaged Colmar Brunton to do some research on that, proper sample sizes. Whilst we do not doubt for a

moment that there were queues that went for a long time in a number of booths, the figures are outlined in our reports to the level of satisfaction with the voting experience and with the queues. The great majority of people were overwhelmingly satisfied with their experience. We can clearly do better with our projections in some areas.

Ms WILLIAMS—We did do extensive analysis on our estimated number of voters that we had anticipated at every voting centre and lined that up against the actuals. As Steve mentioned before, there were 35 where we missed the mark by about 600 votes or more, which equates to one issuing table. But our staffing rates are better than they were in 2002, albeit with the introduction of the upper house. We did provide extensive training to our election officials to ensure that they gave electors the full explanation of how to complete their upper house ballot paper. We are taking all those things into consideration. We certainly will look at staffing figures again for the next election.

The CHAIR—Two lots of witnesses today, the Action on Disabilities within Ethnic Communities and the Ethnic Committees Council of Victoria, expressed concern that members of ethnic groups that predominate in particular electorates were not employed by the VEC to assist in—as electoral VEC staff, where they can also—because I presume they will be bilingual and be able to support people that come in. What do you say to that?

Ms WILLIAMS—We certainly encouraged, and we did some analysis on the distribution of those groups and worked with organisations to provide the opportunity for members of their communities to apply to be election officials. I think the numbers are mentioned in the report in terms of the number of election officials that were appointed that had language skills in particular voting centres. That is an area that we keep looking to encourage people with language skills. Particularly this time we provided clear identification; the voters can clearly identify election officials who could assist them with particular language requirements.

The CHAIR—Another one that my colleague from Narre Warren South was concerned with, and that is the naming of districts. I know this too. People in Narre Warren get confused whether they belong to Narre Warren South or Narre Warren North. For example, Narre Warren North, 75 per cent or so of Narre Warren North is within Endeavour Hills. The rest, probably 15 per cent of the rest is in Berwick. There is about a 10 per cent component in Narre Warren North. Has the VEC done any work on that, and have you received any feedback from the electorate in terms of naming of electorates?

Mr TULLY—Certainly I have not received any feedback on the naming of electorates. I suspect that the place where renaming will occur will be the Electoral Boundaries Commission which is a tribunal chaired by the Chief Judge of the County Court, the Surveyor-General and the Electoral Commissioner. That group determine the boundaries for the upper house and the names were fairly geographical in keeping with our—that stand.

The CHAIR—What I meant to ask is, did you pick up a trend where a lot of people went to the wrong area because of confusion?

Mr TULLY—I am not aware of it.

Ms WILLIAMS—No, I am not aware of it.

Mr TULLY—But that does not mean it did not happen. It has not been brought to my attention.

The CHAIR—Okay.

Mr THOMPSON—The trend in voting at early voting centres, what has been the lift in votes roughly over the last couple of elections?

The CHAIR—I have that: from 163,000 to 255,000. I contend that is not normal attrition. On a similar topic, the calls to service, again part of the 2006 Victorian state election indicators; almost a 100,000 increase there. What was that due to?

Ms WILLIAMS—This one, yes.

The CHAIR—Yes, telephone inquiry service.

Mr TULLY—Chair, the telephone inquiry service was set up with a contractor who worked out of an area in Richmond. It was supervised by our staff. It had the ability to expand and contract. We used that service in a lot of our branding, 'If you've got any issues, call 13VOTE,' or the number that we had. We probably brought a bit of that on ourselves. Given the new system, there were a lot of people who had inquires. There are always people who want to know where they are enrolled that we would have responded to, and where their voting centre was. I think we used it and we branded it as a catch-cry, 'If you've got a problem, call 13VOTE,' and we brought that upon ourselves.

The CHAIR—Data entry operators, they seem to be critical in this process as well. What are the skill requirements for data entry operators? Robin Scott and myself and Mark Roberts recently visited a by-election.

Ms WILLIAMS—Yes.

The CHAIR—What we saw there was a great variety in terms of—I will not say the skill, but certainly the speed at which they were—I am not sophisticated in that to understand how quick those people are, but some people were working very slowly and some were really fast. The ones that were going really quickly inspired confidence in me because going that fast, I understand that there is no room for fraud because they are operating so fast. What are the requirements for these people?

Ms WILLIAMS—We always employ our data entry operators through agencies. We have specific competencies that we expect them to have in terms of speed and accuracy. Exactly what those numbers are, I cannot tell you off the top of my head. Agencies respond by sending us data entry operators which they say meet those particular competency levels. Sometimes that is the case, and certainly many of them exceed those levels, but we do get the odd data entry operators that appear to fall below those. Now, in some situations where we think that there is an issue, the agency will come in and replace those data entry operators. We do track how many batches they are completing. You can see how many batches each data entry operator is completing. The ones that are falling below the level we need to maintain our target of completing the election, we certainly ask the agency to replace them.

Mr SCOTT—You raised it earlier about declaration votes and the large number of people attempting to vote on election day who believe they are on the electoral roll. A query: has any research or work been undertaken to ascertain how many of those 66,000 were previously on the electoral roll?

Mr TULLY—Yes. They are all being looked at to see what—most of them have moved and forgot to fill in the form and will say, 'I thought I was on the roll for life,' is the typical type of response that we may get.

Mr SCOTT—If it would be possible to furnish the committee with some information on that I think that would be very useful.

Ms CAMPBELL—You may have been asked this while I was out. One of the witnesses said if there is a discrepancy between the first count and the second count, why should we necessarily believe the second count is more accurate than the first? Is there an answer to that?

Mr TULLY—I can respond to that. In all of the elections that I have been involved with over the years, there would be many thousands I suspect, and many close elections and many re-counts that I have been involved in. When they are close, they are done under scrutiny and the level of accuracy is high when it is done under scrutiny. I have never seen—except in the northern metropolitan which was not a counting error, it was a human transposition error—a result vary by more than 0.1 per cent. If there is 30,000 in the electorate, I would expect that the result would only vary one way or other, given all the pluses and minuses, by a plus or minus 30 in the result. Re-counts are done under extraordinary scrutiny, not only from people who are dedicated with small tasks at a time who are under supervision of scrutineers and also our supervisors, and their work is more accurate than if it was not under the same level of scrutiny.

The other issue with regards to informality is that where a re-count is done, all contentious, informal ballot papers are referred to me and I give a consistent—or attempt to give a consistent—view on formality. There are ones that move in from informal to formal and out from formal to informal, whereas previously there may have been many people making decisions on formality. When we sit around here and say, 'How can it be so difficult to determine formality?' It is. There are many thousands of ballot papers that scrutineers challenge. Some they rightly challenge; some they are having a bit of a go at. But at the end of the day, again the pluses and the minuses, what goes in and what goes out, equal out and will not have an impact on the result. But I would contend that those re-count results, instead of having 99.9 per cent confidence, I would have 99.97 per cent confidence because they were done with a common person looking at the formality and they were done one ballot paper preference at a time being looked at. The task will cut down in very small increments and the margin for error reduced. There was much more scrutiny at the re-count. We had all of our staff supervising and parties had many scrutineers.

Ms CAMPBELL—How do you stop bullies, the scrutineers accused of bullying?

Mr TULLY—We try and talk to them.

Ms CAMPBELL—Do you ever exclude people?

Mr TULLY—I try not to because I think it inflames the situation. As you said earlier, everyone is hanging onto the edge of the seat. Everyone's credibility and future is on the line. We all feel the tension. I think most people are pretty good with the scrutineers, really. If we can give them some time out or talk to them they will come around—not always the case. That is our attempt.

The CHAIR—We are running over time.

Mr TULLY—Do not worry about us.

The CHAIR—Antony Green yesterday drew a distinction between various forms of reporting; reporting for media or reporting for results and reporting for auditing.

Mr TULLY—Yes.

The CHAIR—How would you characterise your reporting of the election on your website?

Mr TULLY—I thought we were very bold, to be honest. When I was in South Australia, we froze those, the upper house count, and nothing much changed for a fortnight or so. What we tried to do with a lot of ambition was to keep a moving tally. We became concerned because of the ins and the outs and how that was being tracked by our election managers who had the lower house counts and all sorts of other things on their minds. But I would have to say that the parties have some pretty smart people—and that is not meant to be gratuitous. They have some pretty smart people looking at those results. I looked at how they moved throughout the period and they held pretty solidly. They moved within very narrow bands. There was not any major shocks. Northern was a shock, but everything else—whilst there was more votes going into the count, the quotas and their relative positioning did not change much. I had officials—yes, and there was some Labor Party—who said, 'Gee, you're going to have some close results in the western areas.' I know there was an extremely bright lad looking at the northern area. I thought we did okay. I thought we were bold and we had a go and we did okay. It showed that there was not much variation from the quota on election night right throughout the process. I thought that was a good attempt and that next time it would be simpler because they will all be together and it will be much easier to manage.

Our reporting to the media is all done at their request. We sit down a long time out from an election and say, 'What do you want?' and we tailor our systems around those needs. I have not read Antony's transcript, but he was very clear that he did not want a lot of junk in his files, anything that would slow down the count. He wants early predictors and he wants it in this format and we do everything we can. We have Channel 9 in there, we have the *Herald Sun* who are interested in taking results and we tailor stuff around that. But at the end of the day, that all happens out of goodwill and lack of prescription. We do it because we think it is the right thing to do. I know there are other people who say, 'Clearly your system should be all electronic and all up here and all transparent.' Maybe they should, but they have not been designed that way. Maybe we can

react to that. The thing is, we cannot react in the week leading up to an election. It has to be done earlier. It has to be tested properly. We are used to dealing with callers rather than election results. What callers want is hard-sign returns; here is where it is current. All of those returns are out there. We can recalculate them and bring them all in. But they are all in boxes and they are all secure. They have not been designed. Now, next time we will sit down with the parties again—and Mr van der Craats, if he is in your mind, he can refer to the Labor Party, say, 'This is what we want,' and we will provide it. But we cannot do it at a whim, at the last minute. To answer your question, I thought we were bold in our internet update service. I think it was a really good effort first time around. I thought our external reporting to the media was what they wanted. That must have been okay. Our internal controls I thought were okay, except that obviously we missed that one in the Northern Metropolitan region.

The CHAIR—Christine Campbell—I think that is about the last one and then we should take that.

Ms CAMPBELL—Given we have elections at the end of November and there is a lot of students travelling overseas after they have finished their tertiary education or their academic year—

Mr TULLY—Yes.

Ms CAMPBELL——would you like to comment in regard to Melbourne Airport and the importance of it? You might like to take this on notice: is there a way that both we as the Electoral Matters Committee and you as the VEC can turn our minds to addressing the numbers of them that may not vote, and that we understand why they are not voting, it is because they are backpacking somewhere out there somewhere else. No matter what we do, there is a percentage of them that, they are not going to vote if they are backpacking in the Andes or they are on a Trans-Siberian railway or something. People like us are not worried about the large number or the increasing number of non-voters because there is a batch of them that no matter what we are going to do, we are not necessarily going to be able to lock them into voting, or assist them to vote.

MR TULLY—We understand the point you are making. We will certainly staff our facilities at the airport longer into the night because most international flights leave—

Ms CAMPBELL—Midnight.

MR TULLY——at times when most of them are asleep. We will commit to do that now. Otherwise mobility is a big issue. In America, we were caught with transporting materials into the country. The security arrangements that you have to jump to get your material to an embassy or a voting place in Washington is enormous. They were looking at our boxes not knowing what they were. That was an issue for us that we thought would be a lot easier than it was, but we make it—

Ms CAMPBELL—I thought they were interested in parliamentary democracy. We have gone to war on that, have we not?

MR TULLY—I think I mentioned at another time, Chair, that we run into Thanksgiving at a critical time, so they are not open. Whenever you have an election, it is not going to be ideal. We will do everything we can to open up those facilities more.

Ms CAMPBELL—You could perhaps advise us if there is anything we should be alert to.

Ms WILLIAMS—We can be looking at strategies to inform the voters in that age group, a reminder that if they are going to be away there are options available to them.

MR TULLY—The other issue, Chair, is also mail. We have agreements with Australia Post within Australia, some of the mail that comes from overseas takes forever and it does not make it. I do not know whether that is another issue in the timetable; things seem to go on forever as it is. But if you allowed more time, more of those would come in. Again, they are all questions of balance. The only issue, Chair, if I may indulge, we are aggressively going to look at scanning ballot papers to see what facility there are, particularly for the larger ballot paper which has previously been a real difficulty for scanners. I have seen some scanning equipment; our IT manager has seen some scanning equipment. We have confidence that a lot of things can be scanned. In terms of transparency, if it gets to that we could give the download file of all the scans and you go

and count them yourself. We are hoping that scanning will lead to some of the resolution of the difficult issues that you have raised with scrutiny and computer accounts and data entry. That is longer term, but we will not take our eye off the it and we are hopeful we will get something out to the local government elections.

The CHAIR—Thank you very much for your time. Thank you for staying over time.

MR TULLY—A pleasure.

The CHAIR—I must point out to you before you leave that the transcripts of today will be forwarded to you in a fortnight. Typing errors can be corrected but not matters of substance.

MR TULLY—Thank you. We have some issues to get back to you on.

Witnesses withdrew.

Committee adjourned.