

WITNESSES

Ms Clare Burns, State Secretary, and

Mr Kosmos Samaras, Assistant State Secretary, Australian Labor Party (Victorian Branch).

The CHAIR: Good morning, everyone. I declare open the public hearings for the Electoral Matters Committee Inquiry into the Conduct of the 2018 Victorian State Election. At this point, could I just ask that all mobile phones, including my own, are turned to silent.

I would like to welcome Clare Burns, the State Secretary of the Australian Labor Party (Victorian Branch), and Kosmos Samaras, the Assistant State Secretary.

Before we begin I would just like to note that there were many submissions to the Inquiry that raised matters in regard to upper house voting and vote counting. The Committee recognises that whilst these are very important matters, we have decided to take evidence on these issues at a later date rather than today.

All evidence taken by this Committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you repeat the same things outside this hearing, including on social media, those comments may not be protected by that privilege.

All evidence that is given today is recorded by Hansard and you will be provided with a proof version of the transcript for you to check as soon as possible. Verified transcripts, PowerPoint presentations and handouts will be placed on the Committee's website as soon as possible also.

Those formalities aside, I invite you to proceed with a 5-minute opening statement, and we will then ask questions.

Ms BURNS: I will just let you know that the election last year preceded my time at Victorian ALP head office, so Kos will be speaking to the submission and answering questions today.

Mr SAMARAS: Thank you, Clare. I will give a brief summary to cover the main points that we make in our submission. The first point, obviously, is on the location/accessibility of early voting centres. In our submission we canvass a number of issues that our candidates, volunteers and organisation experienced during the election when it came to the early voting centres, principally around accessibility and the location of early voting centres.

Our concern at last year's election was that in many cases these early voting centres were in industrial parks, in locations that were very hard for people to access. Obviously it did not discourage people from locating those venues and attending, but what we also experienced were parking issues. Especially in areas where the early voting centre was located in industrial parks, there were no parking facilities and local businesses were disrupted. There were reports that we received from local businesses that they found that the heavy traffic was potentially endangering those who were attempting to vote, as there is heavy vehicle traffic in those particular industrial parks, and it was causing an enormous hindrance not only to the local businesses but to the individuals who were attempting to vote.

The other point we want to talk about is obviously the registration of how-to-vote cards. Historically the VEC has implemented a much simpler process whereby confirmation of registration has usually occurred on the day, so when we as party officials would attend a scheduled appointment with the VEC we would present the how-to-vote cards that we would like registered. Confirmation would usually occur on that day. This time around that process was extended. We do find that that process was needed, but I think there were a few issues in terms of the time that it took to have how-to-vote cards registered. I think on one occasion it took five days for me to get confirmation of a card that was clearly approved on the first day but I could not get confirmation for five days. That poses enormous logistical issues for political parties and candidates, especially when it comes to printing how-to-vote cards. We cannot, obviously, send away 3.5 million how-to-vote cards to be printed until they are all approved. So we would like to see potentially the Committee consider recommending some streamlining of that process.

The other issue that we talk about in our submission is obviously the new rule when it comes to polling booth material. Obviously the VEC were confronted with a new regime, which in our opinion in some instances they struggled to police. There were many reports that we received of conflicting rulings at a local level, where some signs were permitted, some signs were not permitted. This was accentuated obviously on election day. It took a couple of hours before I think the VEC eventually got on top of some of the conflicting rulings that local area managers were making in relation to signage. And it was creating a lot of havoc amongst volunteers. It was accentuating obviously the arguments that volunteers were having with each other, and we would like to see a bit more clarity when it comes to rulings in this space in 2022.

Before I go on, I would like to make a supplementary point about early voting. It is our view that early voting and the period that is currently allocated to it is important. The manner in which Victorians are working today in 2019 is very different than it was 30 years ago. Many people would probably benefit if early voting was extended in terms of times—as in the time allocated each day to be able to attend. I think the 6.00 pm close-off time is problematic. Most Victorians who are working during the day will not get home until about 7.00 pm, especially if you live in the outer suburbs. And of course a lot of people now work shift work, casual work. The nature or the way Victorians are working is quite fragmented, and I think there is a need for this Committee to consider at least recommending that the times allocated for early voting are extended. We do not support any shortening of that period, as in the two-week period. We think that as the years roll on there will be a greater demand for Victorians to have more flexibility in terms of when they can vote because that will align with their work practices.

A final point, which is the conduct of volunteers and to a lesser extent candidates. We did see an increase in what I would define as conflict between parties, conflict between candidates at the early voting centres in particular. I think the VEC to some extent struggled to get on top of that. Maybe the Committee can consider how best to recommend to the VEC as to what can be done in this space, but we did see a significant increase in tension—unnecessary tension—and to a certain extent abuse that was levelled towards candidates, which I think was completely unnecessary.

The CHAIR: We will open it up to questions from members of the Committee.

Mrs McARTHUR: I will lead off. Kos and Clare, thank you very much for coming today. We have a fixed term of voting in Victoria. If we extend the early voting period, aren't we distorting the fixed election term?

Mr SAMARAS: I would not necessarily say so. I think that once the writ is issued, I think most Victorians are aware that an election is underway. It really is an issue that political parties and candidates needed to address when it comes to how they communicate with the electorate, knowing fully well that a large sum of Victorians would vote early. That is our view.

Ms BURNS: It is really a matter of enfranchisement as well, I think, and how we can maximise participation, which is what the VEC should be considering foremost in their remit.

Ms LOVELL: Sorry, can I just clarify? Did you say extend the hours per day—

Mr SAMARAS: Yes.

Ms LOVELL: not extend the three-week period?

Mr SAMARAS: That is right. Correct, yes.

Ms LOVELL: Still keep it at the three weeks but have longer hours?

Mr MEDDICK: Two weeks.

Mrs McARTHUR: Two weeks.

Ms LOVELL: Two weeks, sorry.

Mr SAMARAS: Two weeks, yes. Three weeks is federal.

Ms LOVELL: Sorry, I—

Mr SAMARAS: Yes. Happy with the two weeks but extend the hours to accommodate the long hours that people do spend on the road.

Ms LOVELL: I am still in the federal election.

Mr SAMARAS: Yes. Because most people do not finish work until 5.30 or 6, and particularly if you are working shift work and if you are working on Saturday, you are just not going to be able to get there on time.

Ms LOVELL: Do you think that that would be disenfranchising the minor parties and the Independents, who often have just one volunteer manning the booths for the entire time?

Mr SAMARAS: I appreciate that that proposes a logistical challenge for minor parties and for individual candidates who do not have the infrastructure that major parties do have. I would acknowledge that.

Dr READ: If you extend the hours, say later some nights—I am thinking about the cost to the VEC and also to candidates who want to try to stand there. Do you think it would achieve more to extend the hours, maybe having a one-week period but going later into the night, maybe including the weekend—the preceding weekend—but not have the full two weeks?

Mr SAMARAS: That is a reasonable suggestion, in my opinion.

Ms HALL: I just wanted to get your views on how the VEC engages with the culturally and linguistically diverse communities. I have been concerned at the very high levels of informal voting in some parts of my electorate where the voting intention is clear, there is just a lot of confusion.

Mr SAMARAS: Yes. Look, we received, like all other registered political parties, a briefing from the VEC in relation to the programs that they were implementing, particularly in ethnic communities—especially in newly arrived ethnic communities. We were relatively satisfied that the program they were rolling out was going to at least provide some level of education within those communities. My concern in that space is obviously that the key stakeholders, which the commission were engaging to assist them in that education process, may not be the best personnel in making sure that that information gets out to every single ethnic voter. I think as political parties we struggle with that challenge ourselves, and that is to communicate complex political messages to people who are linguistically challenged, who, because they come from another country, have got minimal English skills. So I think that there is still a lot of room for improvement in that space, yes.

Mr MEDDICK: Good morning, and thank you both for appearing today. I just have a couple of questions. The first one relates to your submission around HTV designs. You felt that some of those slipped through the cracks and the response as result of that to misleading materials. Can you give us some examples of what those HTVs looked like, what they pertained to and some of those misleading materials?

Mr SAMARAS: I think they are two separate issues. The how-to-vote card that we normally register is not too dissimilar to most of the how-to-vote cards that you see from the major and minor parties and candidates. So we will submit a number of designs that is a standard format with the VEC, and we will register the front because that is the new requirement. There was an odd interpretation of that requirement where we also had to register the backs although the Act does not require that. So that was a bit annoying.

In terms of misleading material, we are obviously talking about signs that are erected at early voting centres that were misleading, and there was what I would define as a fairly haphazard response in policing that. Look, we appreciate that that is a significant logistical challenge for the VEC to actually police, because political parties and candidates produce thousands of signs and material. I am sure they receive an equal number of complaints and they have to process them. But perhaps there needs to be a tighter regime in place to make sure that the material being circulated is indeed not misleading.

Mr MEDDICK: The only other question I had then is also you were talking about a lack of clarity around recount calls and scrutineering procedures. Is that occurring in two situations? So the general public has perhaps a lack of understanding about this occurring. But also within the staff who are actually conducting these

recounts and the scrutineering, do you feel that there is a lack of understanding of how they should go about and that there needs to be more training?

Mr SAMARAS: I think there does, yes. The issue that obviously we were intimately involved in was the Ripon count, and it is a well-canvassed issue obviously. I think the confusion there initially occurred via the local area manager. The commissioner clearly issued instructions of a recount; the local area manager did not. So that is where the confusion happened. I think that goes to your point. I think there needs to be more training in that space.

Ms BLANDTHORN: Kos, you touched before on the suitability of the early voting centres. As you would well know, I had one of the most unsuitable ones. In my view all voting centres, including early voting centres, need to be appropriate for all aspects of the democratic process from the staff from the VEC through to the volunteers and of course the voters. Do you have things that you see as key in what the VEC should be looking for in these centres?

Mr SAMARAS: I think the primary objective there would be accessibility and suitability for staff and for people intending to vote. And with the understanding and the appreciation that this is now one of the largest booths in the entire electorate, let us use Pascoe Vale as an example. That booth is the largest booth. It will absorb most of the voters prior to election day. So there needs to be an appreciation that when you have 40 to 50 per cent of the electorate voting in one location you need to ensure that there is adequate parking, accessibility is easy and that it is conducive for the staff to work in as well. I attended some early voting centres that looked like tin sheds. Now I understand there is a monetary restriction there in terms of leases and so on, but I do not think processing that many votes in one location—by the time you get to late November it is pretty hot, so for staff that will be fairly problematic. I know the one in Ripon, which I obviously attended after the election day, was pretty uncomfortable—very hot.

Mrs McARTHUR: Thank you, Kosmos. I noticed there is a difference between your submission and the Stawell Labor Party submission. We are all from the country and we understand the tyranny of distance and volunteers and so on. They would like the early voting period reduced to a week. Do you have any sympathy for the Stawell Labor Party's submission?

Mr SAMARAS: Zero sympathy. In fact we would argue that in regional electorates there should be at least two early voting centres and possibly more. I think regional and rural Victorians already have a challenge to get a voting centre during the week if they choose to vote early because they obviously cannot vote on election day because they are working, so we need to make sure that as a state that we avail them of that opportunity as much as possible. Yeah, so no sympathy at all.

Mrs McARTHUR: Poor Stawell branch of the ALP.

Mr QUILTY: I was just going to ask in talking about the early voting centres, do you think the VEC should also have some consideration for the campaign workers who are out there, that space for them and that they should all be safe and comfortable as well?

Mr SAMARAS: Yes. There is a limitation there and obviously its monetary and its physical, and the VEC cannot just factor in just how many campaign workers are going to be present. But I think, as much as possible, there need to be some consideration for the people that are going to be standing out there handing out how-to-vote cards from all parties and candidates. That consideration should extend to also how local government treats that venue. We did get reports where local government tried to push the volunteers off because there was no permit. I think there needs to be some thought about how that is managed so we do not have a situation where all the volunteers from all the political parties and candidates are given their marching orders all of a sudden because they do not have permits and suddenly there is a mad race to get permits from local government to be able to hand out how-to-vote cards—very, very unhelpful.

Dr READ: I was just going to ask about regional electorates. Would it be appropriate to have perhaps rotating sites through the two-week period?

Mr SAMARAS: That is a good idea, yes. We do have mobile booths, as in the VEC does. I think having a rotating site particularly in the really large electorates—electorates like Lowan and those regional electorates

where it is almost near impossible to locate enough early voting centres to cater for everyone—a mobile facility would be quite good.

Ms BLANDTHORN: You talked about the VEC staff having to police the distribution of material and the new rules in relation to signage, et cetera. From those sorts of aspects of the election day experience, I guess, through to counting the votes at the end of the day, are there particular areas where you would suggest the VEC could perhaps better induct and train their staff? Obviously we were dealing with new provisions and everyone was getting used to them, through to counting for the first time on election night the pre-poll early votes. There were aspects of it that were new, but in my experience I had campaign workers that had to advise electoral staff as to what constituted a formal vote. So from a more overall global perspective, I guess, are there particular areas that you think there should be better training for VEC staff?

Mr SAMARAS: I think it boils down to the processes the VEC has in place when a local booth manager is presented with a complaint. If that person is unsure about how to deal with, for example, an allegation that a sign does not comply, they should expedite that up the chain, so to speak, pretty quickly. Because I think the VEC will not be able to predict what sort of signs are going to be presented—I am using signs as an example—and what sort of signs are going to be erected by campaigns and candidates and political parties in 2022. You could see thousands of different designs and people could be aggrieved about half of them. So I think they need to improve the internal systems to manage that, and it goes to training as well.

Dr READ: In your submission you detailed some episodes of bullying and harassment.

Mr SAMARAS: Yes.

Dr READ: Do you want to discuss possible responses to that?

Mr SAMARAS: Yes, look, this is an area that concerns us greatly. We did see a significant increase in that type of behaviour—not by the major parties in my opinion but by individuals. I think in one particular electorate the police were called eventually. That individual was a well-known, what I would describe as, online harasser. That individual was not just harassing our candidate but also the Liberal candidate and the Greens candidate. So I think there needs to be a much more, for lack of a better term, ruthless approach to dealing with those sorts of people who are intimidating people to the point where these people feel that their safety may be at risk.

Dr READ: Can I follow up? Do you think that that should be from the VEC or the police or both?

Mr SAMARAS: I think the police should be involved pretty quickly when it is clear that they are dealing with a person who is unhinged. And in that particular case, that person clearly was.

Mr ATKINSON: The postal vote—the method of distributing postal votes—changed this election. I am just wondering if you had some observations as to those changes.

Mr SAMARAS: We support the changes in that space, yes. That is probably the only comment that I would make on that.

Mr ATKINSON: The Liberal Party—I had no forewarning of this—I note at their federal council were talking about voter identification coming to polling booths. Do you have any view on voter identification?

Mr SAMARAS: We would not support something like that.

Mr ATKINSON: You would not?

Mr SAMARAS: We would not support it.

Mr ATKINSON: Could you elaborate on why?

Mr SAMARAS: Yes. It would disenfranchise particularly people who are newly arrived in this country, who have become Australian citizens and have gone to the trouble of enrolling. We already have our challenge of making sure that these individuals are able to cast a formal vote, and we were discussing that just before. I

think adding another layer of complexity to the voting process for these individuals would have a significant impact on their ability to actually vote, and I think it would contribute to disenfranchising people.

Ms LOVELL: Can you just elaborate on why it would be difficult for them to identify themselves at a polling booth?

Mr SAMARAS: It is not necessarily why it would be difficult for them. I am sure they would have ID on their person, but they would not be aware of that requirement. Per the other problem, and that is that they are not aware how to cast a formal vote—and we can see that in many local booths in the west in particular, in the west of Melbourne—adding another layer of personal requirement is going to disenfranchise people even more in my opinion.

Ms LOVELL: Is that not just a matter of education by the VEC? You and I would not be aware of it if we were not in our positions either. We would front up to a polling booth, but we always have a licence or some form of identification with us.

Mr SAMARAS: Yes. Again we go back to the point that I do not think the VEC at the moment have worked out a workable model that educates newly arrived Australians in the exercise of casting a formal vote. I think we need to deal with that first before we add another layer of complexity to the voting process.

Ms LOVELL: Do you know of any other jurisdiction, be it the commonwealth or any other state, that has a better process of educating their voters?

Mr SAMARAS: Not to my knowledge. I have not looked.

Ms BLANDTHORN: Was it not trialled in Queensland, Kos, and it did not work, I think?

Mr SAMARAS: I cannot remember.

Ms BLANDTHORN: I think it was the case that people would leave and not come back; they would go to get their ID and then would not actually return.

Mr SAMARAS: Yes.

Mrs McARTHUR: I am just interested in your suggestion about telephone-assisted voting. How would you propose that worked, and why do you think it is necessary?

Mr SAMARAS: It is necessary for people who are extremely disabled, in my opinion. There are Victorians who do not have the physical capacity to vote. They do not reside in an aged-care facility where a mobile booth can actually facilitate that. There are many Victorians who do not have that physical capacity.

Mrs McARTHUR: Is that in operation in any other jurisdictions?

Mr SAMARAS: Not to my knowledge. I think overseas there are examples of that, yes.

Dr READ: A number of submissions argue that we should have caps on electoral spending, which apply in a number of jurisdictions. I wonder if you would like to comment on that?

Mr SAMARAS: We would not support that.

Dr READ: Do you want to discuss it further?

Mr SAMARAS: Obvious reasons. I think that caps on electoral spending are an attempt to even the playing field. What it does is basically just ensures that we intensify where we spend our money. If the attempt is to ensure that the major parties are brought back to the field, so to speak, those major parties will find ways to make sure that they are able to impact the vote in the same way. I will not go into detail on the way that could be done, but I do not think that capping is going to solve that problem. If you are a minor party or if you are an Independent and you think that capping electoral spending is going to fix the problem you think is in the

electoral field, my view is that that is not necessarily the case. We are able to run campaigns over a four year period and we use all sorts of systems to impact the vote, and capping of expenditure is not going to fix it.

The CHAIR: No further questions? Thank you both for your very comprehensive submission, and thank you for coming and providing evidence today. You should receive a copy of the Hansard transcript in a short time.

Witnesses withdrew.