

**WITNESS**

Mr Matthew Harris, State Director, The Nationals.

**The CHAIR:** Welcome, Matthew Harris, State Director of The Nationals.

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

All of the evidence given to this Committee is protected by parliamentary privilege, therefore you are protected against any action for what you might say here today. But if you repeat the same things outside this hearing, including on social media, those comments might not be protected by this privilege.

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

So with those few preliminary words, welcome. Thank you for providing a submission to the Inquiry, and thank you for coming and giving evidence to us today. I now invite you to make a short 5-minute presentation, and then Committee members can ask some questions.

**Mr HARRIS:** Thank you, Chair, and thank you, members of the Committee, for giving me the opportunity to come and speak to you all today and to expand on our submission to your Inquiry. In opening I would like to take this opportunity to put on record the party's gratitude to the electoral commission for the professionalism that was demonstrated in the lead-up to and during the 2018 election. I stand to be corrected, but I believe that it was the first state election for all of the major party state directors, and I am grateful to the commission for their assistance and patience when answering the many questions that arose.

As noted in our submission, this was also the first state election to take place after the passage of the *Electoral Legislation Amendment Act 2018*. As you are all aware, this legislation provided for numerous changes to the way in which elections are conducted in this state. Given the short time between the passage of the legislation and the November election, the commission should be commended for their efforts in communicating the relevant changes to registered political parties and candidates. I make this point at the outset because it is clear from reading other submissions to the Committee and from our own experiences that the relatively short period of time between the legislation receiving royal assent and the election period commencing led to a number of issues in both process and interpretation that were challenging to quickly resolve as the election day approached. The Nationals would therefore suggest that any potential legislative changes proposed by this Committee are considered by the Parliament in a timely manner. This would allow the commission and its staff, registered political parties and candidates sufficient time to resolve issues and change their practices as appropriate.

I note the Committee's intention to consider views on upper house voting at another time, so I will confine my remaining remarks to issues regarding early voting and polling locations.

As you know, 1.4 million people voted early at this year's election. This represents almost 40 per cent of everyone who voted, and almost half a million more than in 2014. The Nationals are supportive of providing voters with flexible and accessible options that allow them to cast their ballots, but we do believe that the current period of early voting is too long and is costing the electoral commission, and therefore hardworking Victorian taxpayers, a significant amount of money to rent early voting centres and to pay election staff.

We also note that the original intention of the federal legislation providing for an advertising blackout period in the days leading up to an election day was to allow voters the chance to get some clear air and then make their decisions without being bombarded by political advertising. Notwithstanding that parties and candidates can now use online advertising and other means during the blackout period, it does seem inconsistent to expect voters to be fully aware of who or what policies they are voting for when voting begins weeks before the election. Bearing both these issues in mind, The Nationals suggest that the early voting period is reduced to one

week. Given fixed-term elections, the election date is known well in advance, and we do not believe that it is unreasonable for voters to apply for a postal ballot should they not be able to vote in the week prior to the election.

A number of other submissions have also provided commentary around the location of early voting centres, and The Nationals agree with the sentiment of the majority of them. As indicated in our submission, given the distances in regional communities, the relative lack of public transport in such areas and the likelihood of early voters having to drive to an early voting centre, we support the Committee's efforts to support the commission to consider these factors when early voting centres are selected. We would also encourage the commission to consider the impact on local businesses, who told our local teams that early voting centres were having a detrimental impact on their trading.

In relation to the application of the new 6-metre and 100-metre rules around polling places, we support the intent of the 6-metre rule but are suggesting that the legislation is amended to reduce the 6-metre exclusion zone to a 3-metre exclusion zone. This would reduce the instances of volunteers and candidates having to stand in car parks, neighbouring shopfronts or, in some cases, on the street. At a minimum there should be explicit discretion given to voting centre managers to alter the size of the exclusion zone to take into account local circumstances.

In terms of the 100-metre rule, The Nationals are concerned that the application of the rule, which allows signs to be placed on residential property within the exclusion zone, was being misinterpreted. Our candidates experienced a number of instances where there was a disagreement with the commission about whether a premises was business or residential. This is an issue that is much more likely in regional and rural communities given the less dense nature of towns in those areas. We have the view that the current restrictions are prohibiting the free speech of business owners who by no fault of their own happen to be within 100 metres of a building which the VEC chooses to be a polling place.

We support the Labor Party's suggestion for an early publication of early voting centres and polling places where at all possible. As noted in our submission, the current 100-metre rule has the potential to cause a party or a candidate a problem should their local campaign office happen to end up within the 100-metre exclusion zone. The commission's suggestion of 'covering the office in brown paper'—and that is a quote—whilst helpful from a practical perspective is not really fair to a candidate who may have rented an office in good faith well before the polling locations were published. I would also like to put on the record that we support the Liberal Party's earlier commentary regarding signage restrictions and the confusion between party and candidate signs.

Finally it would be remiss of me not to raise the concerns of many of our branch members across regional Victoria who continue to be frustrated about the number of election signs that are illegally placed on road signage across the state. Whilst I am sure there are examples of Nationals candidate signs being placed in inappropriate locations, we are always most careful to stress to our members and volunteers that corflutes should only be erected on properties with landholder permission. As I travel around regional Victoria now, and as many of you do as well, there are still signs on VicRoads signs that were put up by other parties during the state election. We would encourage the Committee to investigate how VicRoads and local councils can be encouraged to enforce their existing rules and respond to infringements in a timely manner. Thank you, and I am happy to answer any questions.

**The CHAIR:** Great, thank you. We will kick off with questions. I might just start that. Just carrying on from the last issue that you raised in regard to those signs on the road reserves, was the VEC or VicRoads contacted, and if so, what was their response?

**Mr HARRIS:** I have lost count of how many times I raised it with VicRoads. They always say that they will investigate, and the reality is that by the time they have investigated the election is over. So it is probably a resourcing issue for VicRoads. I could take it on notice how many complaints we made during the course of the election, but it would be scores. They just do not have the time or the resources to resolve it quickly.

**Ms LOVELL:** I do not think they even investigated a lot of them that we reported.

**Mr HARRIS:** Probably not.

**Mrs McARTHUR:** Just on that, I have noticed some minor parties who you would think would have greater respect for trees nailing signs on trees, which I notice are still present.

Just in relation to the early voting submission, you have suggested that it should be one week, as has the Liberal Party. The Labor Party would like to keep it at two weeks. My good friend Dr Read has suggested that we have it at one week but extend the hours to facilitate people who may be at work et cetera. How would you feel about that?

**Mr HARRIS:** I think it is an eminently sensible suggestion, to be honest. This is about making it straightforward for people to exercise their duty to vote at the ballot box, and having some later opening hours in the one-week period, I think, would work very well.

**Mrs McARTHUR:** And also I am just thinking outside the square a bit, in some of our regional and remote areas I am wondering about even a mobile pre-polling booth—whether that might be feasible. There are some very comprehensive vehicles that can be used for various purposes so that if it was properly advertised, the pre-polling facility within that week might be able to be moved around the more remote areas.

**Mr HARRIS:** It is certainly worth considering. I think in our more rural communities a lot of people choose to vote by post and the changes that were put in last year where people could apply for those postal votes online—the process was made much more straightforward. I think encouraging more postal voting is probably a more cost-effective way of ensuring people can cast their ballot if they cannot make it in the week before an election or on election day.

**Mrs McARTHUR:** Do you think in relation to postal voting that the date at which the vote can be received should be extended, because it was cut off reasonably quickly—in the past it has been a longer period before the vote had to get back—given the problems we have got with Australia Post these days, where it can take a week to get something?

**Mr HARRIS:** I cannot actually remember how many days after polling day the postal votes can be received now, but—

**Mrs McARTHUR:** It got shortened.

**Mr HARRIS:** Yes, it did get shortened. You are right. I cannot remember the exact time periods. It is probably worth investigating whether any—or asking the commission how many—postal votes were received after the cut-off date. I am not sure it is a lot; I do not know. But you are right, the postal services in rural Victoria leave a lot to be desired in many cases so we have got to factor that in, because there are some people who for all sorts of reasons do not go anywhere near a postbox or their postbox for days or weeks on end. So we do have to factor that into any changes that might be made.

**The CHAIR:** Can I just ask on postal voting, do you have any knowledge about whether regional voters are more likely to be a registered postal voter or whether they do go through the process of applying each time an election comes around?

**Mr HARRIS:** Yes, some people are—and I forget the exact distance away from a polling booth—automatically registered postal voters. Certainly we encourage our members to talk to their communities about registering for a postal vote permanently. I do not have any statistics at hand, but I would expect that there would be a distinction between rural and metro voters.

**Ms BLANDTHORN:** I have asked the other political parties, you may have heard, but I will ask you as well if you have a view about what criteria should be applied to the selection of the early voting centres, bearing in mind all of the aspects of the process from the candidate and the campaign workers through to the VEC staff and obviously the voters.

**Mr HARRIS:** I think the previous comments were all very valid. For the VEC workers obviously it is a place of work for them for a couple of weeks. In the same way, for many of our volunteers for all the various

parties it effectively becomes a place of work. They need the appropriate health and safety, and many of the early voting centres did not have any shelter, for example, from either the sun or the rain and people were standing there for hours on end. There were no toilet facilities either, so that all needs to be factored in as well as being sure it is accessible for voters.

But as I referred to in my earlier comments and in the submission, the commission really needs to think about the logistics of how the 6-metre rule works in the context of where they choose to put voting centres. For example, the one that was in Wangaratta, the 6 metres were in a small shopping centre area next to an Officeworks or an Aldi or something, I cannot remember. But the 6-metre zone ended up with everyone standing in the car park and blocking the car park, which was causing intense frustration for other shoppers who were there doing their day's shopping and for the local businesses. The one in Shepparton—I was actually there with Wendy—was actually quite good because it was slightly out of town and there were no other surrounding businesses so the 6-metre zone was extended into an open space and people were not blocking other businesses, so these sorts of things have got to be factored in. As was referred to earlier, some of them were on a main street and people ended up standing outside other people's shops and blocking people getting into those businesses. So a lot more thought has got to be put into where they choose the centres.

**Ms LOVELL:** Actually for the one in Shepparton, I think, the VEC used their discretion of what was going to be safe and also what was going to be appropriate. There were two businesses either side. If they had actually gone to 6 metres, they would have pushed out in front of those businesses, and they were annoyed enough. It would have pushed everyone—you could not have actually driven into the car parking area with the limited car parking there was. It was just more the sense of the VEC official there that said, 'Well, we're just going to have this space as the no-go zone' that made it at least workable. It was not ideal, but it was at least workable. In Benalla and that, they put the arc out into the middle of the road and you were out in the car parks.

**The CHAIR:** Before I hand over to Andy for the next question, can I just ask whether you thought there was a noticeable difference at this election to other elections as to the location of those polling places?

**Mr HARRIS:** I do not think so. I think the difference at this election was the 6-metre rule and the fact there was, in most circumstances, very little discretion given by the voting centre managers and the continued increase in the amount of people flowing through. In previous years there was very little traffic coming through a lot of the time. As more and more people vote early, it just gets busier and busier. I think those two factors are what are creating the problem.

**Mr MEDDICK:** Thank you, Matthew, for your presentation today. I have only got one quick question here. In your submission you talk about how we should be investigating whether the length of the election period is undermining the democratic process, or the integrity of election day particularly. I note that you make a very good point around the media blackout—that its efficacy is somewhat reduced by having this extended period. Are there any other practical things in your mind that we should be considering too that would restore that integrity?

**Mr HARRIS:** I think shortening the voting period is the most obvious, and I know the media blackout issue is federal legislation, but there probably should be a conversation, to be honest, about whether there is actually any point to that media blackout going forward. The reality is political parties probably spend more money on online advertising than we do on TV advertising now anyway and that is not covered in the media blackout, so there is a conversation to be had, whether it is this Committee or federally, about whether there is any value in the media blackout at all.

But I think the point that I probably did not get across very well in the submission was that people who are voting two weeks before election day do not necessarily know what they are voting for. Parties and candidates do not announce their policies in many instances until the Thursday or Friday before the election, so it is very difficult for people to make an informed choice about what they are voting for if policies have not been announced, and the earlier we make the early voting period the more likely it is going to be that 40 per cent of people perhaps are voting without knowing what they are actually getting. I did not answer your question probably.

**Mr MEDDICK:** No, that is okay. I think I understand that perhaps what you are saying is that extended voting period then means that perhaps some parties can be holding back policy until the last possible minute and then releasing that so people might be making up their mind before they get the full picture of who they are voting for. Is that somewhat it?

**Mr HARRIS:** Exactly, and without getting into specifics, costings of political parties for their policies is a perfect example of that. All parties do it. Costings tend to be put out late in the last week of the election campaign, and people may have made a different decision if they had known the position of the budget post the election.

**Ms LOVELL:** You need to keep some policies right up to election day to keep people engaged in the election. If everyone stops two weeks out—

**Ms HALL:** I have read that there were some difficulties in terms of the National Party receiving their funding entitlements following the election. Has that been resolved, and are there any recommendations? My understanding is it was directed to the Liberal Party and now that funding cannot be transferred to you.

**Mr HARRIS:** Correct.

**Ms HALL:** Can you clarify what happened and whether you would recommend any changes?

**Mr HARRIS:** I certainly can. As the Committee would know, we run on a joint ticket with our Liberal colleagues in upper house seats. In previous elections the commission has then proportioned the public funding that is available for the votes obtained in the upper house between the National Party and the Liberal Party. We agree a split of the public funding. We write to the commission and the commission has then passed the money on based on that request from the two parties.

After this election the commissioner formed a different view. In three regions where the National Party contested on a joint ticket with the Liberal Party, as the Liberal Party was number one on the ticket in each of those three regions the commissioner formed the view that the money had to flow to the Liberal Party, so he has transferred the money to the Liberal Party. We are still taking legal advice about the best way to resolve it, but it could be resolved with amendments to the legislation that provides the commissioner with discretion to pay the money as the parties wish, but at the moment, yes, correct, the funds for the 2018 election for the upper house votes are with the Liberal Party, and obviously with the changes that were made last year the advance funding for 2022 is being paid to the Liberal Party as well.

**Ms LOVELL:** Matt, just in representing all regional electorates and them being larger, I wonder if you had a view on the number of pre-polling centres, which varied. Murray Valley had three, Shepparton had one, I think Euroa had one—or two?

**Mr HARRIS:** I think it might have had two.

**Ms LOVELL:** It might have had two, but yes—

**Mr HARRIS:** I do not think there is any rhyme or reason. I do not know how the commission formed a position on how many they should have but there does need to be some consistency, and we certainly had complaints from members of the public in some regional communities that they were disappointed there was not an early voting centre in their town, where, as you quite rightly said, there were many in other electorates. So it probably comes down to the commission's ability to find appropriate venues, and as all of us have talked about, finding those venues is a challenge, so that would be part of the problem. Certainly there needs to be a bit more consistency about the number of early voting centres in an electorate or maybe the size of the community. There should maybe be a threshold set I think, because in the federal election—and I know that is not the context of this Inquiry—the federal election had two in Mildura for some unknown reason within 3 or 4 kilometres of each other.

**Ms LOVELL:** Within three or four doors of each other?

**Mr HARRIS:** Yes.

**Ms LOVELL:** That is ridiculous.

**The CHAIR:** Just on that, did you have instances where some voters' closest early voting centre was actually not in their electorate?

**Ms LOVELL:** Yes, you would.

**Mr HARRIS:** There would be. Yes, there would be.

**The CHAIR:** And were they designated as shared booths in those instances?

**Mr HARRIS:** No, they were not. I mean, it is relatively straightforward to go in and vote out of your electorate, but, yes, you are quite right. You could do a map quite easily.

**Ms LOVELL:** For people voting in Arcadia, Shepparton would have been their closest. Euroa sort of goes like that around the Shepparton electorate, and we had a lot of people from Euroa coming to the Shepparton booths.

**Mr HARRIS:** From Euroa to Shepparton, yes.

**The CHAIR:** But not as designated shared booths though?

**Ms LOVELL:** No.

**Ms BLANDTHORN:** I note your comments at the beginning, and I think we all share the sentiment about the work of the VEC, but are there particular areas where you think the staff of the VEC, particularly the casual staff, would benefit from better training?

**Mr HARRIS:** I think so, and I think it is about in many cases giving the staff some flexibility, to be honest, to make sensible decisions based on the local circumstances. So if it is pouring with rain, allow people to stand a metre away from the door as opposed to making them stand outside. It is things like that, and part of that is training, part of that is the policies that they are working in need to have that flexibility.

We did not have any specific issues that I am aware of across our seats where there were issues of poor training I do not think, but it is about giving people the flexibility—for example, just as a practical thing, people recycle their how-to-vote cards now and put them in a box on the way out. In some polling centres a perfectly sensible VEC official would allow someone who happened to be wearing a yellow or a blue or a red T-shirt to pop in and grab them all and hand them back out to everybody. In some polling centres that discretion was not observed and there were boxes and boxes of recycled how-to-vote cards piling up. So it is about allowing people to use some common sense, I think, to be blunt.

**Ms BLANDTHORN:** And was that, I guess, an inexperienced staff or the labour rules that were applied?

**Mr HARRIS:** I think it is people following the rules to the letter, which is what they have been told to do in their defence. So I think it is about, as part of the training that is given to staff, just giving them the discretion to have some common sense based on the local circumstances.

**Mr ATKINSON:** Do you have a view on the proposal that has arisen up at a federal council the Liberal Party had on identification—of voters providing identification at the polling booth to vote? Do you have a view on that?

**Mr HARRIS:** It is not the party's view, it is my own view. I should put that on record. I have not discussed it with my colleagues, but I think as the Liberal Party indicated, there would be very few circumstances where someone did not have ID, because as we have said before, to register on the roll you need some ID, so I think that is not a barrier to having voter ID. Just by way of example, some of you will know we ran a community preselection in Shepparton in 2017—the beginning of 2018 perhaps—to choose our candidate to run in that division. We basically operated like a mini Victorian Electoral Commission across Shepparton. We set up six polling booths around the seat, we had party staff who effectively were operating as quasi-VEC officials and any member of the public could come in to vote. For that process we asked for ID for people before they could

come in to vote and then we marked them off on the roll. It was done in such a way that if someone was tagged on the system at one booth, they could not then drive around to a booth in another part of the seat and vote there. Of the thousand or so people who chose to vote I think four people raised the issue of why they had to provide ID. Most people thought it was completely normal and did not question it at all.

**Dr READ:** I would just like to ask: some submissions have argued that there should be caps on election campaign spending as applies in other states. I am interested to know whether The Nationals have a view on that.

**Mr HARRIS:** We have certainly argued for it in the past, I am well aware of that. I think that the funding changes that came in last year are effectively a cap. There is a significant amount of campaign funding provided to parties now, and then over and above that people can raise money within the \$4000 per person limit. So perhaps some parties are going to be very successful in raising \$4000 from a million people, I do not know, but I would say that the new rules effectively provide a quasi-cap, the way they are drafted at the moment.

**Dr READ:** Although it would not apply to any undeclared donations, and contributions from candidates are uncapped.

**Mr HARRIS:** Fair point—candidates can spend whatever they like. The undeclared donations issue, we are doing everything we can to make sure that we are complying with the legislation. So if either parties or candidates are not declaring donations, I guess that could happen within a regime where there was a cap anyway. I think that the current system—we need to work through it for an election and see how it goes.

**Ms LOVELL:** Matt, just while we are on the donations, do you think that that significantly disadvantages country electorates in raising their funds where we have a lesser ability to now tap on the shoulder of some of the bigger companies in the area?

**Mr HARRIS:** Absolutely it does. It is all on the public record where donations come from, and in many regional communities it is a few people with a reasonable amount of money.

**Ms LOVELL:** It is almost impossible to get \$1000 out of people.

**Mr HARRIS:** The new rules have changed how we have got to operate in regional communities, and we have got to widen the pool of supporters and get smaller amounts.

**The CHAIR:** Sorry, how does that differ from electorates that have a low socio-economic demographic that are in metropolitan Melbourne?

**Mr HARRIS:** It probably does not, to be honest. I was responding to Wendy's question. This is a challenge for all parties to change how we do things. As I said, the legislation is in place—my view is we let it roll for an election period and see how it goes. But it is a challenge and all parties are facing this at the moment, trying to get our members—I would say party members as opposed to members of Parliament—to understand how the dynamic has changed. We have all got to make sure that we have a process in place to make sure we are complying.

**Mrs McARTHUR:** Matt, just on that, you could argue that the process is somewhat distorted with third-party organisations that can campaign on issues but are not subject to the electoral process. You might want to comment on that.

Just another point, I am just wondering, in your experience as a state director, have you noticed a difference in the operation of an election between the AEC and the VEC? Is there a different level of competence or capacity to respond? On that, would you see that we should have a better level of cooperation between the two institutions to streamline, facilitate, make sure that there is consistency in the process? Sorry, there are two questions are.

**Mr HARRIS:** Yes so I may as well start with the second part first. The inconsistency between the way elections are conducted between the VEC and the AEC is frustrating for people in my position. I expect my colleagues in other parties would say the same thing. Operating under two regimes and trying to work out

sometimes whether we are doing something that is trying to influence someone to vote in a state election or influence them to vote in a federal election, those boundaries get blurred. So I think there is a—

**Mrs McARTHUR:** Especially when the elections are quite close together.

**Mr HARRIS:** Yes, and we will have the same thing again, I expect, in the next cycle, albeit the other way around. So, absolutely, I think there should be some consistency, and a perfect example would be the application of authorisations on electoral matters. The AEC is quite prescriptive now about how it should be done. The VEC is a bit more vague. Often we are kind of caught and we are not quite sure which one to go for. We tend to use the AEC because it is more prescriptive and hope that we are not falling foul of a VEC interpretation. So certainly I think there is benefit in finding a way to harmonise the various ways things are done, without a shadow of a doubt, but in terms of the capacity and professionalism of both commissions I think the VEC do a pretty good job. As I said, organising our community preselection in Shepparton where we were a quasi-electoral commission for a few weeks demonstrated to all of us in The Nationals quite how much work goes into organising an election.

**Mrs McARTHUR:** You have got a lot sympathy for them.

**Mr HARRIS:** We certainly do. It is not an easy job. The first question was: third-party campaigners. This has been ventilated a lot over the last couple of years as the legislation was going through the Parliament. We would be keen to ensure that people who are advocating for a particular party or policy should be captured in the same way that political parties are. It is as simple as that.

**Mrs McARTHUR:** Just on that, Chair, if I may—I did ask this of the Liberal Party director. There is now a new line of people at pre-polling and on election day handing out material. Do you think there should be some limitation on the number of people handing out material who are not associated with a candidate?

**Mr HARRIS:** I think the practical implications of such a rule would be almost impossible for parties to implement, to be honest.

**Mrs McARTHUR:** The VEC would have to implement it.

**Ms LOVELL:** Bev means handing out material that is not a how-to-vote card but a ‘Put the Liberals last’ or ‘Put Labor last’ or—

**Mr HARRIS:** ‘Save the CFA’.

**Ms LOVELL:** Yes.

**Mrs McARTHUR:** Yes, third-party activity.

**Ms LOVELL:** Yes.

**Mr HARRIS:** I think people have got a democratic right to put forward their views to the community. Whether it is unions advocating for a particular policy or whether it is local community groups in a regional area putting forward their views about who the best candidate is, I think that is a perfectly reasonable part of the democratic process, and from a practical perspective I am not sure any party would want to, or could, have a register of who is volunteering to hand out how-to-vote cards for an election day. We would have thousands of people doing an hour stint all over the state, and I think—

**Ms LOVELL:** No, no, it is not about a register of people—it is people handing out material that is not a how-to-vote card.

**Mr HARRIS:** I am not sure—

**Ms LOVELL:** The ABC’s checklist of—

**Mr HARRIS:** Yes, okay, I understand the point. I am not sure that we could infringe on people’s right to participate in democracy by restricting their ability to walk up and down a street which happens to be near a



polling booth with a T-shirt advocating for one position or the other. I do not think that is a healthy part of democracy, to be honest.

**Mr QUILTY:** I actually liked your submission. Almost everything in it was good. On the hundred-metre rule for signage, one thing I noticed was a taxi booth just 5 metres or 6 metres from the polling booth, and all day there were taxis there with Transport Matters logos on the back of them. Do you think things like that should be captured in that rule?

**Mr HARRIS:** My understanding was that a vehicle that was moving that happened to have signs on it was allowed to drive past a polling booth as long as it did not stop. Taxis is a good example, because I guess they are all waiting to pick somebody up. But, as I kind of indicated in our submission, there is an element of freedom of expression that the current rules curtail. If someone has a shop 50 metres from somewhere that ends up being a polling booth and if they want to have a sign saying, 'Vote for candidate X' in their window, just because they happen to be next door to a polling booth, they should not be restricted from doing that. The example that we cited was, I think, in Euroa, and there was a farmer who happened to be opposite the polling booth, and he put a sign up for our candidate. His view was that that was his personal property, and the commission came to the view that that was a business address and he was not allowed have the sign. His right to express his political view was curtailed because of an interpretation by an official from the electoral commission. So our suggestion is that if someone wants to put up a sign within that 100-metre rule on their property, then they should be allowed to. I guess that extends to the taxidriver who happens to be parked outside or near a polling booth. If he wants to have a Transport Matters logo on his taxi, then as far as I am concerned, so be it. As long as he is not deliberately parking the car there for 8 hours, I think that is legitimate.

**The CHAIR:** On that, just one further bit: you spoke about the issue of residential versus business within that rule. Is the main example for that the farming properties? What was the sticking point for the VEC? Can you just explain that a bit more? Did they not accept that even if there was a residential premises on the property, if a business was conducted, it was primarily business?

**Mr HARRIS:** My understanding is they looked up the zoning with the council, and it was zoned as a business premises. But the house was at the back of the piece of land, and that was zoned differently. But obviously that was further away from the road.

**The CHAIR:** On the same address or a different address?

**Mr HARRIS:** It was the same address, but it was the way the land was zoned on the planning scheme. So he was somewhat frustrated, as you could probably understand. But in the same way as I kind of half-jokingly said in terms of a candidate's office that they may rent six months before an election and then a month out find out it is next door to the polling centre, I raised this with the commission and they said, 'Cover it in brown paper'. I mean, not that helpful a suggestion when someone had made a decision in good faith to have a campaign office and then unbeknownst to them the building next door was rented by the commission.

So there needs to be some flexibility in legislation. I think the proposal that I have talked about would still prevent the situation we saw in federal elections where schools were plastered with metres of plastic bunting and more corflutes than you could count. If you restricted it to privately owned buildings, I think that would still uphold the spirit of the legislation, which was to stop people turning schools into plastic.

**The CHAIR:** And, just because I am curious, in the example of the candidate's office that ended up next door to the polling place, was that a polling place in the previous election?

**Mr HARRIS:** No, it was a hypothetical situation. It did not happen; it was a hypothetical one. We were teasing out some additional scenarios with the commission before the election, so it did not happen. And we obviously looked at where previous sites were, but as we have discussed, the commission is always looking for sites that are more suitable and it could happen in the future.

**Mr QUILTY:** That happened with one of the Independent candidates—Benambra. The exact situation occurred there; they had to pull all their signage down two weeks before the election.

**The CHAIR:** Thank you for sharing that evidence with us today, and thank you for your submission on behalf of the National Party. You will receive a proof of the transcript from Hansard as soon as it is available.

**Mr HARRIS:** Thank you.

**Witness withdrew.**