

ELECTORAL MATTERS COMMITTEE

Inquiry into voter participation and informal voting

Inquiry into political donations and disclosure

Melbourne — 24 July 2008

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Witnesses

Mr S. Tully, electoral commissioner,

Ms L. Williams, deputy electoral commissioner,

Ms S. Lang, manager, communication, education and research, and

Ms A. Markham, electoral education officer, Victorian Electoral Commission.

The CHAIR — Welcome to the public hearings of the Electoral Matters Committee inquiries into political donations and disclosure, and voter participation and informal voting. 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 and the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other states and territories. I also wish to advise witnesses that any comments you make outside the hearings may not be afforded such privilege. Have you read the ‘Giving evidence at a public hearing’ pamphlet that the committee provided you?

Mr TULLY — Yes.

The CHAIR — Can you please state your full names and business addresses, whether you are attending in a private capacity or representing an organisation and, if you are representing an organisation, your position in that organisation?

Ms MARKHAM — Alex Markham, level 8, 505 Little Collins Street, Melbourne. I am representing the VEC as electoral education officer.

Ms WILLIAMS — Liz Williams, level 8, 505 Little Collins Street, Melbourne. I am representing the VEC as the deputy electoral commissioner.

Mr TULLY — Steven Tully, level 8, 505 Little Collins Street, Melbourne. I am representing the Victorian Electoral Commission as the electoral commissioner.

Ms LANG — Sue Lang, level 8, 505 Little Collins Street, Melbourne. I am representing the VEC as the manager of communication, education and research.

The CHAIR — Your evidence will be taken down and become public evidence in due course. I welcome you to make a verbal submission.

Mr TULLY — Thank you, Chair. Could we please begin by sincerely offering our condolences to member Thompson on the loss of his father; we were saddened to hear that news.

The CHAIR — Thank you.

Mr TULLY — Chair, we have said on a number of occasions in other reports that there are a variety of factors that can affect voter turnout in any given election, including the involvement and profile of candidates, the election issues at the time or canvassed during the campaign period, and even the weather. However, there is a clear trend that is obvious in Victoria and around the nation, and that trend is that there are fewer eligible electors enrolling or keeping their enrolment details current, resulting in their lack of presence on the electoral register. There are fewer eligible electors on the roll who are voting; and of those electors who are voting, an increasing number are doing so informally. The exception to this trend is where there is a high public and media expectation that there may be a change in government, for example the 2007 election at the federal level, and in these instances, which can be mirrored in state electoral events also, voter turnout is usually proportionately higher, informality relatively lower, as voters want their voices to be heard.

From the outset I believe that mobility in a modern society is a valid factor involved in the overall trend in reduction in participation. A healthy economy over the last decade has seen more people travelling and temporarily living overseas, and more young people taking backpacker options and seeing the world before settling down into study or career. Providing voting material to overseas destinations is something we have raised before. Having it returned in a timely manner is often problematic. At a recent session with the federal Joint Standing Committee on Electoral Matters the Australian electoral commissioner stated the difficulty he has in getting material in and out of Australia to some rural areas within the three-week period between the close of nominations and voting day, and of course in Victoria we are even further stretched, because our period is just two weeks in duration.

The federal election provided an electronic voting trial for defence force personnel, and I know the committee has shown some interest in that trial. We have followed it up and received verbal advice from the Australian Electoral Commission that the Australian Defence Force apparently is not interested in pursuing this option for state elections, but we are seeking confirmation from the defence forces as to whether that is actually the case.

The major issue that I think is before all of us is electoral disengagement, and that I believe is a primary factor behind the decline in electoral participation and behind informal voting. The issue is broad ranging, and a number of stakeholders have a role to play: political parties, members of Parliament, education institutions, the media and of course electoral commissions, to name but a few. Through our work with young people, and available research, the feedback is that young people have difficulty differentiating between the political parties' policies; parties themselves are accused of doing little to reach out to young people; and the behaviour of members as seen on television in the Parliament, they often report, does little to endear them to this sector of our society. These are clearly matters for candidates and political parties and not for the VEC, but should you wish to mobilise some focus groups I am sure you would get some valuable information on the perception of the political process and the product of democracy.

Legislation and funding are constraints and opportunities, and today I want to introduce a concept which certainly excites me, and I hope that we are able to excite you also. It is a concept which we call Passport to Democracy. We are piloting it in a number of schools, and Alex Markham will take us through that later in our presentation. What it does, in our view, is help people make that link between issues that they care about and politics. Firstly, though, I would like to again touch on legislation and funding. We have already mentioned previously in other submissions that there are a number of legislative changes that you may wish to consider. We will run through those briefly again.

Firstly, improving laws relating to political advertising may reduce confusion within the electorate about how preferences actually work. If Victoria moved to optional preferential voting, informality would be likely to reduce, in our view, by 50 per cent. A change to direct enrolment would increase the number of electors on the roll. By 'direct enrolment' I mean using data sources from other agencies to update elector enrolment details and then notifying the elector for confirmation.

Abolishing the three-month rule would increase voter turnout. Extending electronic voting to culturally and linguistically diverse communities and those with poor motor skills would have a significant impact on informality, and maintaining an enforcement of compulsory voting reduces the decline in participation. Particularly in local government elections compulsory voting is a major factor that has an influence on voter turnout in local government elections in Victoria. In states such as South Australia and Western Australia, where there is voluntary voting in those elections, they struggle to get 30 per cent turnout. In Victoria it is in the mid-70s, so it is a clear matter that compulsory voting does have a significant effect on turnout, and if it were to reduce or not be enforced, you could well expect the turnout could well almost halve.

In terms of expenditure, like all electoral commissions, the majority of our expenditure is around large electoral events, and we stretch our dollars through the reuse of an advertising campaign which we think is a good brand and works — 'Every vote will shape Victoria'. This campaign is now almost a decade old, but it is still relevant and our research shows is still well regarded. Of course we have to stretch and we do stretch for the ever-increasing number of special groups, whether they be from overseas locations or new groups that we identify as requiring special attention.

Today we want to provide a perspective on what the Victorian Electoral Commission is doing and can do to re-engage the community. Providing voting material to overseas destinations I have already spoken to as something we are trying to address through better arrangements with our overseas embassies. I now turn to people in special areas. People experiencing homelessness have been a particular target of our efforts around enrolment and voting.

We have established a close partnership with St Mary's House of Welcome and other homelessness agencies, and this has resulted in a number of enrolment drives at those venues. The staff are available at times to assist with the completion of enrolment forms. This has been followed up with mobile voting facilities for the state election and more are planned for attendance at council elections. We also assisted the AEC with the federal election by making facilities on our floors in our building available for homeless groups to vote. The VEC has also attended a number of events for people experiencing homelessness, such as the 'Where the Heart is' festival, and we have provided enrolment assistance and advice.

A research project was undertaken and a separate workshop held with representatives of indigenous agencies to seek advice on how best to overcome barriers to enrolment and voting with indigenous communities. This resulted in attendance at Consumer Affairs Victoria travelling events for these communities, along with the use of recognised indigenous elders in advertising and promotional materials.

The VEC has also had information stands at the Victorian Aboriginal Health Service and joined the Department of Justice's Kooris-Know Your Rights program to provide information on enrolment and voting. Feedback from this program has resulted in a new publication we have put out called 'Running your own first-past-the-post election' in easy English format for indigenous community groups. A table was sponsored at the Coming Together referendum anniversary by us to donate seats to community members. Most recently we joined with the AEC to provide enrolment services at Federation Square for Reconciliation Day.

Research is currently under way within the disability sector of the community, specifically to identify barriers to enrolment and voting within this community. Subgroups within the community include intellectual impairment, physical or sight impairment, carers and management of nursing facilities. This will be the largest research project the VEC has ever undertaken, and the results will be shared with other electoral commissions around the country.

In the interim we have been actively working with our electoral access advisory committee through our disability action plan to firstly encourage other government agencies to retrofit government buildings used as voting centres for full wheelchair accessibility, to produce a carers brochure, to develop an easy English guide to council elections, to produce an Auslan DVD to provide information on council elections to the deaf community, and to expand mobile voting facilities for various special communities.

Research is also under way within the Chinese and Vietnamese communities, as districts and councils with high proportions of culturally and linguistically diverse communities traditionally have a higher rate of informality. We will use the research results to work in partnership with the Ethnic Communities Council of Victoria to develop some further products and initiatives which we expect to assist with reducing informality levels. The Chinese and Vietnamese communities have been prioritised as these are the largest of the culturally and linguistically diverse communities. We expect that our easy English guides have and will continue to benefit CALD communities also.

We have cooperative working relationships with other electoral commissions, with the aim of sharing initiatives which have worked well and focusing on complementing each other's activities rather than replicating them. The VEC's birthday card program for youth, where a birthday card and enrolment form are sent to students turning 17 with the aim of encouraging them to provisionally enrol, is now being pursued in all other states. The VEC had a memorandum of understanding with the Australian Electoral Commission with regard to education initiatives and other major programs targeting enrolment.

Whilst this MOU lapsed in 2006, we are actively seeking renewed commitment from the AEC to continue a cooperative and productive working relationship. In the interim we have a number of education initiatives that target youth. These include Your Voice, Your Future, a guide to understanding government, elections and voting in Victoria, and Fast Facts — Voting in Victoria, a pocket-sized guide to enrolment, voting and elections. These were sent to every secondary school in the state. A virtual voting experience provides an interactive voting experience for first-time voters, with a demonstration of how to correctly complete ballot papers. This CD is available in 18 languages, and also sent to all secondary schools, migrant resources centres, 300 major ethnic associations, councils and community information centres.

Another animated initiative is 'Reggie and Desi's excellent voting adventure', featuring the 'Biggest singing and dancing celebrity island' where reality television themes are utilised to expand proportional representation explanations. This CD is available with teachers' notes to engage students in the classroom. A joint project just commenced with the Office for Youth revolves around the development of an e-democracy kit. This will sit on the popular youthcentral website and the VEC will contribute electoral expertise and knowledge. A partnership with the Real Estate Institute of Victoria which involves the packaging of the 'Every vote will shape Victoria' booklet into new home-owners' tenant kits is also well under way. This kit contains an enrolment form, and more than 4000 of these booklets have been used over the past 12 months.

Enrolment kits are able to be ordered through the VEC's website for schools studying civics and citizenship, and the VEC conducts school elections for metropolitan schools. Easy English guides for the Victorian state election and the upcoming local government elections are available for students with limited learning skills. Competitions have been held within schools to design enrolment posters, write essays on the age of voting, and create short films on enrolment as part of the Leader film competition.

At the last session of the public hearings conducted by this committee on the conduct of the 2006 election three women from the United Nations Youth Association made a very valid point. They said we are very good at

providing the tools for enrolment and voting and advertising ‘how to vote’ but what is missing for young people in particular is why. Why should young people vote? What is the motivation? What is the connection with their everyday lives? That is something that had an impact on us. We reviewed the program we were piloting at the time, which is the culmination of what we want to present today. It is a program which we call Passport to Democracy. We believe it goes a long way to addressing some of the issues that are core. Feedback from our pilot has been used to evolve the concept into something that we find very exciting. It has been picked up, at this stage, by six of eight schools present at a recent teacher professional development seminar.

I would now like to hand over to Alex Markham to outline this program to you. Alex has worked in a number of areas but her most recent assignment before joining us recently was with the United Kingdom Electoral Commission, where she had a special focus on youth, homelessness and mobilising the vote in a voluntary voting setting. Alex brings enthusiasm, skills and experience to this program. I will hand over to her for you and your committee to have a look at this program.

Overheads shown.

Ms MARKHAM — If you could just bear with me while I start up the technology: Mr Chairman, members of the committee, based on research into democratic engagement and evidence provided by young people to this committee and feedback that I have had in the course of my work, it is safe to assume that many young people feel disconnected from the political process and cannot see how it relates to their lives. A recent AEC-sponsored youth electoral study found that few students had a glowing view of politicians or political institutions. The majority did not really consider that voting was an effective way of expressing their political views. Disconcertingly, the study also found that only 50 per cent of young people would vote in a federal election at 18 if it were not compulsory. These quotes from young people interviewed in the study further illustrates this point:

The government does not affect my day-to-day life.

I don't care who gets elected.

Either way politicians don't care about young people.

They will do what they want so what's the point.

Despite this disconnection with what I like to call big P politics, we need to recognise that young people are not apathetic. Many young people volunteer. They participate in demonstrations, sign petitions, join campaign groups and feel passionately about a range of issues — all things which could be seen in the context of small-P politics. The problem from a young person's perspective is with the formal political process. What can we do about this? We can make a reasonable assumption that people are more likely to engage in the political process if they have had a positive experience of democracy at school.

Dr Larry Saha from the Australian National University and one of the authors of the youth electoral study wrote that:

Having taken a civic subject in school is positively and significantly related to political knowledge. However, civics and electoral education should not be just about, for example, learning the mechanics of the preferential election by rote.

In 2007 in a report prepared by Murdoch University to the Western Australian Electoral Commission, the author posited that:

If democracy is simply presented to children as a concept which they must contribute to at some future point rather than a school ethos in which they are included and are expected to contribute on a daily basis, they are unlikely to embrace the notion of democratic principles presented in such abstract form.

It is quite simple. Politics needs to be made relevant to students' lives. We also need to incorporate a culture of democracy within class practice and the wider school experience in the hope that students will then take this ethos with them beyond school into their adult lives. Students encountering democracy through experiential learning is the real key. While civics and citizenship is embedded in the Victorian secondary curriculum through VELs, we face challenge in the delivery of electoral education in schools. Civics often takes a back seat in the busy school timetable. The electoral element is often left out or teachers do not feel confident in their understanding of the democratic system or are unwilling to tackle issues that may be seen as being potentially partisan. They do not want to get drawn into discussions that may be seen as partisan.

In light of this and drawing on the findings from the UK Power inquiry that the citizenship curriculum should be shorter, more practical and result in a qualification, the VEC has sought a more powerful approach to electoral education. The result is Passport to Democracy, which is a short course for year 10 students and situates electoral education within the context of young people's lives and issues that they care about. Rather than confronting students straight up with, 'You should vote', or 'This is how an election works', to be met with a chorus of yawns, we ask students, 'What do you care about?', and take them on a journey showing them the full spectrum of democracy, ultimately demonstrating to them the importance of voting.

Over four double period sessions, students have the opportunity to identify the issues they care about, look at how these issues manifest in their local communities, investigate which levels of government are responsible for these issues, research who their local representatives are, vote on which issue they should take forward as a group and develop an action plan around the issue, and this could be as simple as inviting a guest speaker to their school assembly to talk about the issue.

The key elements of the program are motivation to vote; how does politics affect my world and the things that I care about; information about democracy; an understanding of democratic processes; who is responsible and the role of our representatives; and preparedness to vote; what happens in an election and how do I vote? The course also includes a visit to the AEC's electoral education centre, and we are very keen to make sure that whatever work we do in education complements and works with the AEC's work. At the end of the course the students are presented with their own Passport to Democracy, which certifies that they have been involved in the program and records the issue that they have decided to investigate and take action on.

One of the unique things about Passport to Democracy is that we are offering schools in-class support by way of a team of electoral outreach officers. The outreach officers are there to assist teachers with facilitating class discussion, running a preferential election and as a general support person to assist teachers in navigating the democratic process. In effect, it is a model of on-the-job professional development. The course, as Steve mentioned, was piloted in two schools in term 4 last year and we are rolling it out to six schools this term with a view to extending the program next year. In last year's pilot all but three of the 29 students who took part in the program said they felt more inclined to enrol and to vote when they turned 18 as a result of the program. And here is some feedback from the young people:

I have a broader knowledge of issues of concern to my classmates and I know a bit more about the responsibilities of each level of government, especially on my issue.

I learnt more about what we can do to make our voices heard and all the different ways we can express our opinion.

There are lots of issues in the world and it starts to help by doing something small.

It encouraged people to speak about the issues that they really care about.

I think this program was very informative and will help others to understand about issues and also government.

A key element of the course is the development of a DVD audiovisual resource which we use to help prompt the students to think about what issues they care about and what they can do about these issues. That discussion then flows into a discussion about how these issues relate back to the democratic process. In the DVD we follow the stories of three groups of young people. The first group pictured here is a group of young men from North Geelong Secondary College. Over the past two years this school has experienced a 40 per cent increase in the number of refugee students, and cultural harmony and racial tensions have been a real issue for the students. They found that the refugee students were not really mixing with the Aussie kids. In response to this, a group of students decided to set up a lunchtime soccer match; a soccer tournament which happens every lunchtime, every week. This has really worked to improve cultural harmony, so it is a really good example of students identifying an issue and then wanting to take action. The students are now charging money for other students to enter the soccer tournament and are raising money for a school in Africa to help them build some toilets.

This second group of young people set up a campaign called 'Change a million light bulbs'. They were very concerned about the issue of climate change and global warming and set about encouraging their friends and family to install energy-friendly light bulbs. The campaign has so far succeeded in encouraging 100 000 light bulb exchanges, which represents one-tenth of the output of Newport power station. The last group is a group of young women from Frankston who got involved in an anti-child slavery campaign. They focused on the fact that many of the cocoa beans that are used to produce chocolate in Australia are harvested by child workers on the Ivory Coast.

The young women decided to contact their local federal and state MPs to see what could be done about this. After meeting with their local representatives they were astounded to discover that both of the MPs addressed the issue in both state and federal Parliament. The girls had no idea that as young people, many of whom were not yet old enough to vote, they were able to have this kind of impact.

While not all of these stories have an overt or obvious link to politics in the big-P politics sense, they show ordinary young people taking action and getting involved. Through the process of Passport to Democracy we empower students to consider what they can do about the issues they care about and how this relates back to the formal political process, and ultimately how they can engage with democracy to achieve positive change. When we started talking to these girls about politics and the fact that what they had done was being involved in democracy, they had not made the link until it was absolutely, overtly pointed out to them. I would like to end on a quote which I think sums up the Passport to Democracy program.

Democracy demands all citizens take part in establishing the governance and key functions in society ...

Opportunities for participation in shared decision making, listening to different points of view, and weighing options and consequences can help build a critical appreciation for the democratic process.

Mr TULLY — I will move to a short conclusion if I may. Thank you, Alex, for that. I am hoping that you, Chair, and your committee see the incredible potential of this project. We have been looking for some sort of show stopper in this area for some time without passing it off and saying 'It's education's problem' or 'It's the politician's problem'. This is a project that is tight, that can be controlled and that has some fantastic outcomes. It is a pity that our video is not in a form that we can show you today, particularly the one with North Geelong which I have seen, because it is a moving experience to watch how these kids described the feeling of joy that they experience when they get something going that works and that solves a significant problem in their lives.

The program is in the pilot stage. We would certainly like to find a way to run it on a statewide basis, but this does require some resourcing. To do this we would like to put a proposal through to you in saying that education and motivation are multi-edged and multifaceted issues that involve enforcement of compulsory voting. We would like to put the proposal to you that we retain the proceeds of compulsory voting in a trust account that is audited by the Auditor-General and we invest those funds into the expansion of this particular project. We seek your endorsement of that idea so that we can use the funds from one area of the problem to address it in a much more positive way. If we are very successful we will run out of money, but that will be a good thing.

In conclusion, we believe that a more focused effort around electoral engagement is possible. There are a number of players who have a role to play. We are still a small organisation with around 50 full-time equivalent staff and a very full election program, so we always have to be strategic in our partnerships in dealing with issues and in harnessing the support of targeted groups. We will always continue to do our best, and we remain highly supportive of any initiatives that come up to increase participation and engagement. We would welcome any questions that you have.

The CHAIR — Thank you, Commissioner. I might kick off myself. You delineate three ways to improve participation on pages 26 and 27 of your submission. These are smart enrolments, election day enrolments and direct or automatic enrolment. At page 26, under election day enrolments, you state that there were 14 000 new enrolments and 20 000 enrolments with updates in the 2006 state election. That is 34 000 people. For clarification, 34 000 people would have been registered under the election day enrolment system; is that correct?

Mr TULLY — They would have, Chair, but there would also be a number of people — I would estimate 25 000 or so — who would have taken the form with them. Some would have filled it out and some would not have, because they might well think they are enrolled, they would vote perhaps as an absent voter at an address that they lived at some time ago; we would not have given them a form, so they might well have just thought they were still enrolled at that address. If we had a means of a roll at every voting centre we would be able to find those and enrol them on the spot, and there would be more than the number that you have said.

The CHAIR — Would it be more than 33 000?

Mr TULLY — Yes, I think it is more like 60 000. They are the ones that we tracked and that we know. There are the others, and I probably have not explained it very well, that just think that they might have been at that address, have voted, but when we have gone to admit their vote they have not been on the roll anywhere in the state so they have been objected off through the process.

The CHAIR — We will obviously have a closer look at this issue during our visit overseas, during our study tour.

Mr TULLY — Yes.

The CHAIR — From this distance what problems, logistically, will you encounter with this? If you have got 60 000 people turning up, I guess it is going to be a bit of a problem, and the potential for fraud.

Mr TULLY — These are people who have gone to a voting centre wanting to vote and through the procedures that we currently have in place they have been objected off the roll and have not maintained their enrolment. It would require them to fill in a declaration vote — it means putting a vote back in an envelope, which does cause us some logistical problems — and they would have to make a declaration saying that they have lived at a particular address for a month and therefore entitled to vote. We have other databases from transport, for example, that we can access and see whether in fact they do live where they say they live, and if they do we can admit the vote. It would be a small clerical factory to process those votes once they have made that declaration and once we have checked them against another reliable source.

The CHAIR — I do not believe people come back. Do they have to actually come back and prove that they live where they do?

Mr TULLY — No, they have to sign a declaration. I would suggest that if they sign a false declaration that that needs to be enforced and they need to be taken to court for signing a false declaration.

The CHAIR — What about in terms of ID?

Mr TULLY — ID would be something that they might have or they might not have. Again, with some of the spatial data that we have and data sharing that we are looking at consolidating we can tell from current sources whether they live there or not. There is some fraud that goes on in terms of motor registry. For example, some people have an address at another suburb because it has a better insurance arrangement and it does not cost so much. We sort those out, but generally we would, I believe, be able to look at a person's declaration and make an assessment as to whether they do in fact live there or not.

The CHAIR — Also for direct or automatic enrolments there will be a shift of responsibility from the individual to government or to the VEC. How will you cope with that?

Mr TULLY — There could be, again. What I am keen to float with you is the notion to be looked at in the first case. You are right, there could be some difficulties with that and with that shift, but I would expect that we would write to them and say that we have put them on the roll for this address and it is only an exception that they would have to come back. For most of the population the form would already be done for them. It would be a shift in administration where they do not have to fill in so much detail. If we have a reliable source, say, for students, for example, where we all struggle trying to get 17 and 18-year-olds on the roll as either provisional or full enrolment, we have a reliable source, we know they go to school, we know whether they are Australian citizens or not and we know their birth date. We could put them on the roll and write to them and say, 'Here it is, all you have got to do is sign this form and send it back' and put them on the roll. That would increase the roll immediately by probably 30 000 or 40 000.

The CHAIR — In total for the three methods — smart enrolment, election day enrolment and direct enrolment — you would expect how many people to be enfranchised?

Mr TULLY — How many people would we pick up that way?

The CHAIR — Yes.

Mr TULLY — I would have thought 80 000 to 100 000.

The CHAIR — That is pretty good.

Mr TULLY — Three to 4 per cent. There are a number of people in this state, as there are in every state and territory, who do not want to be on the roll no matter what and will do everything they can. I have been chased off properties with guns by people who do not want to be on the electoral roll and they do not want to be found; we

will get them for one election and they will just drop off again. But I am talking about people who go to booths, who are motivated and want to vote, and it is just the system that they do not keep up with. I encourage you to have a look at New Zealand and Canada and those places if you are going there, because they have certainly got it in action.

The CHAIR — Thank you. Are there any questions?

Mr O'BRIEN — Your submission in relation to youth voting seems to be a case that it not a question of young people being unsure of the mechanics of voting which is stopping them from participating; it is mainly lack of motivation.

Mr TULLY — That is fair.

Mr O'BRIEN — Really it is not a question of difficult forms keeping people off the roll; it is what do we do as parliamentarians, what do we do as political parties, what do we do as a society to encourage young people to think it is worthwhile exercising the right that they have to vote.

Mr TULLY — I think that is true to a point, through you, Chair, that if you are really motivated you will go through any barrier and do anything you can. I think there also is the case that if the form is so complicated and looks so daunting it will flash out a flicker of motivation. I rely on an experience that my colleague in Western Australia had where he had a number of people — certainly thousands of people — who wanted to get on the roll and arrangements were made to send them enrolment forms. There was no question about their enrolment; they had identified themselves as not being on the roll but had not taken that step. Of those, only 30 per cent came back. You might well say it is still a motivational issue and if they were really motivated they would do more. But I suspect that it is something more than that and that if we do make it too cumbersome and too difficult and too 1950s, it is not going to happen.

Mr O'BRIEN — Commissioner, I have got the electoral enrolment form in front of me and I raised this with a witness yesterday. Essentially there are nine questions: your name, your address, your postal address, your contact details, your date of birth, 'Are you enrolling for the first time?', 'Are you an Australian citizen?', 'Do you have a drivers licence?', and then your declaration. As I said to a witness yesterday, it is not exactly a Mensa entrance examination, is it? Are you suggesting that the form itself is so difficult that it is worth shifting the onus that has been in existence since Australian democracy was enfranchised, namely, that the individual actually has a role to play to make sure that they do their bit?

Mr TULLY — No, I am responding to how I see people responding to the current system of enrolment. It is not a personal thing. I am just making an observation that the more difficult and bigger you make a form, the less likely people are to fill it in. Secondly, we can notice the shifts in the way we conduct business. In the past most people would go to a post office and get a form and fill it out and send it back. Most of the forms we get now at the close of rolls are downloaded from our internet site and faxed in. People want, at the very least, to be able to register electronically. The notion of filling in a form, signing it, getting it witnessed if you have to, finding some more details — and I have watched people doing this; in fact some sons and daughters of staff members get it and go, 'Uh, I will do that later' — puts people off. It is not meant to be offensive. It is a form which I have been involved in designing so I am not trying to offend you or myself. I am just trying to say that in practice people are performing with their feet and putting it off and not dealing with it. It is something that is seen as very quaint and almost archaic.

Mr O'BRIEN — Obviously, it is like doing your taxes but it is an obligation that is imposed on the citizens.

Mr TULLY — Sure.

Mr O'BRIEN — In relation to informality, in your written submission on page 10 you have got a table there which shows that the average rate of informality votes in Victorian state elections over the last 10 years is 3.2 per cent, which is better than every other state and territory in the country, bar Queensland. You also state that, having analysed informal votes, if blank votes are added 40 per cent of the informal votes were probably deliberate. Essentially that means that only 60 per cent of 3.2 per cent are arguably accidentally informal. We are talking about less than 2 votes out of 100. I do not know if you are proposing the idea of optional preferential voting in your submission. You refer to it. I do not know if the VEC is proposing this policy initiative, but that would be a very

significant change in Victoria. If we were to adopt it, would there not be a significant danger if you have a federal system which has compulsory preferential and a state system of optional preferential and you have a state and federal election in the same year — this is quite possible — like in 2010, that you would have the AEC and VEC sending completely mixed messages to the electors on how to fill out a ballot form?

Mr TULLY — Chair, through you, I would like to make it absolutely clear that I am not advocating any voting system. We do as we are told and we administer the laws that we are given. This is just an opportunity where we are putting some information before you to make some decisions. You are absolutely right. The states of Queensland and New South Wales have optional preferential voting for state elections and when federal elections come you can see that the highest level of informality comes from New South Wales. That is a fact. Of course, on another level we have Senator Faulkner sponsoring an Australia-wide electoral harmonisation program. I am hopeful that at least some of the enrolment issues will be dealt with on a national level and that we will have a far better national effort in roll management and a national roll system that better suits the needs of the state of Victoria so that we could join that and not have our own supplementary system that is required for us to do our business. That is happening at that level, but I am not advocating in any way a particular voting system. Far from it. I am saying, ‘You are looking at participation, you are looking at informality, here is something that you may want to look at’, and if you dismiss it that is certainly up to you.

I am always a little bit more cautious about determining that blank ballot papers mean a protest vote or a ‘don’t care’ vote. I have a view that is hard to test — that is, that there are people who are unable to read and some of those scribbles that they make out are voting but in fact they are illiterate and that is why their ballot papers are blank. They are illiterate and that is why some papers have scribbles on them. It is very difficult to do any research on this because of the literally thousands of people who have voted not one of them has ever told me they have voted informally. I think that is part of the problem, getting the research on that. That is why I am hopeful that when there are developments with electronic voting into voice that people who are illiterate, whether in English or in their own language, will be able to follow the verbal instructions and cast a vote. I will just leave that with you. I cannot prove it. I cannot prove that illiteracy is a major problem because there is no research to support it, but I sense that it is a bigger problem than we all think.

Mr O’BRIEN — Can I just ask you about election day registration or election day enrolment. You suggested that somebody could simply declare that they lived in a certain area for a month, and you could crosscheck that against, for example, motor car registration or drivers licence, what if there were conflicting evidence? If you have not readjusted your enrolment and given that we have got fixed four-year terms in Victoria and there is plenty of opportunity — everyone now knows when the election is; there is opportunity for the VEC to advertise well ahead of the close of rolls that people need to update their enrolment — if people still leave it to the last minute, they may not have updated their licence details or their Medicare details or anything else, how do you tell when you have got conflicting views as to whether a vote should be allowed, given that in the last federal election we saw one seat decided by a couple of handfuls of votes? This sort of thing could conceivably change the course of not only an electorate but an election. How do you ensure that only those who are genuinely entitled to vote in an electorate can do it if you have election day registration?

Mr TULLY — That is a critical question, and, through you, Chair, clearly the election manager or returning officer or electoral commissioner or whoever is given that authority would have to be reasonably sure that that is true. There would have to be a match, and if there was uncertainty you would have to not allow the vote. So there would need to be some protocols around it. Again, I am trying to concentrate on the notion — and I am encouraged to hear that you are visiting some countries where this does take place — without getting into the rules too quickly, as to how we can allow more people to vote. Again, I go back to that point that we made in our first report. There were 60 000 people who went to a voting centre wanting to vote. Sure, they had not kept their enrolment details; they had not done what they were supposed to have done, but they wanted to vote. I guess the critical question that I cannot answer is: is that a no-brainer or is it not? The fact that they have not kept up their details, should that disallow them from voting, or in a modern society should we value their right to vote more than that. I cannot answer that; I am just putting that before you as an issue that you might want to consider if you want to increase participation.

Mr SCOTT — In terms of informal voting, you also raised the South Australian model, where in effect informal votes which are just a ‘1’ would be then formalised and there would be in effect a ticket vote, like an above-the-line vote. Have you also given consideration — because it was raised in earlier evidence — to a reversal of the position that was taken on the so-called Langer votes or other votes which became informal later in the count

and considered the effect that a change to the consideration of those ballot papers would have on the level of informality? So where someone put two 3s or something but otherwise at an earlier stage of the count the vote was formal, my understanding is that prior to the changes that took place to deal with the so-called Langer votes those votes would have been considered formal up to the point at which they become informal in a count.

Mr TULLY — Yes, that would be the impact — to have a quasi-optional preferential voting system that would exhaust when there was no clear way to pass on the preference, but that is clearly not available anymore.

Mr SCOTT — I understand that. Has any consideration been given to the scale of the votes that would be — —

Mr TULLY — I think in our first report we gave an indication of the number of people who just voted 1 or 1, 2. They would count under an optional preferential system. In South Australia, whilst the savings provision captures all 1s where a voting ticket is lodged, it certainly does reduce informalities significantly — by around half, I suspect.

Mr SCOTT — So it is a similar sort of shift as it would be with optional preferential voting without, though, having the fundamental change to the principles that underlie the electoral system.

Mr TULLY — That is right. And South Australia is quite a difficult model to explain, because the law says that it is an offence for anybody to advocate voting in a manner other than fully preferential — so that is 1 to 5, if there are five candidates. However, under the scrutiny provisions it introduces — where this does happen and a voting ticket has been lodged, it can be deemed to be a fully preferential vote. So there is no way that anyone can around saying, for example, ‘Just vote 1’. That would be an offence that the electoral commissioner would have to follow up, and it would lead to prosecution, if that is what they said, because it is a breach of the legislation, but under the scrutiny provisions you allow it. There are a number of media commentators who used to love trying to tie me up knots on this, but it still happens. That is how they got around it. It would certainly admit more votes. For example, in the ACT election, which of course is a multi-member electorate, they clearly said that you must vote for at least five candidates where it is a five-candidate field. But if a person only votes 1, that vote under scrutiny provisions will still be counted. It works okay because only about 1 per cent only vote 1. If everyone only voted 1, PR would fall apart.

Mr SCOTT — Just with the Chair’s indulgence, in terms of South Australia, is there a significantly large number of people who vote just 1 in South Australian elections? In South Australian elections, from your experience, was there a significantly larger proportion of people who just vote 1 as compared to Victoria?

Mr TULLY — Yes, I think, possibly. I would have to take that on notice. In South Australia it is 4 per cent. About 4 per cent vote just 1, because they get it mixed up: 1 above the line or below, they just vote 1 — typically Italian and Greek communities.

Ms BROAD — Thank you for your submission. I note in relation to the first term of reference before the committee — political donations and disclosure and/or restrictions on same — that you have indicated that you do not wish to make a submission because you regard it as a matter of policy rather than administration. I note also that in relation to the conduct of the 2006 election there were certain matters that arose in relation to whether or not certain gifts prior to voting should have been allowed and whether or not those rules should be tightened up. I understand that for today you want to leave those matters, which the committee is certainly dealing with, in relation to other submissions.

On the submission on voter participation, I certainly want to indicate that we have had many submissions which have been very supportive of the activities by the commission, some of which you have outlined today, in relation to encouraging voter participation — for example, some of the activities around assisting the participation of people who might be experiencing homelessness — and they have had a strong level of support for a continuation and even an expansion of those activities.

On the comments and recommendations you have made around enrolment, particularly direct enrolment — which I gather is also supported by the Australian Electoral Commission, according to your submission — it would certainly be my view, and I think the view of many of the witnesses we have had to date, that that approach would go a long way to solving a lot of problems that currently we are trying to address in other ways, under the existing approach to enrolment.

Can I take you to another area that I believe goes to participation, and that is that underlying encouragement for voters to participate is a necessary level of confidence in the electoral system? That goes not only to methods of voting but also to methods of counting votes. We have had some submissions put to us on methods of counting votes, one of which I have a particular interest in because it relates to a provision which I understand is in the Local Government Act but not in the state Electoral Act and goes to the basic question of a reconciliation of all the ballots issued prior to the count proceeding, which I think might have avoided the circumstances that arose in the northern metro region, which we are all well aware of. If that is the case, then the committee might want to consider a recommendation on duplicating that provision which exists in relation to counting in local government elections. Is that something you would be in a position to comment on today?

Mr TULLY — I am not absolutely convinced that I understand what you are putting.

Ms BROAD — I guess in relation to a basic reconciliation of all ballots issued — whether they have been used, whether they are informal, whether they are not used — it has been indicated that if that reconciliation, which I am certainly familiar with through local government elections, had been employed in the case of northern metro region, it would have picked that up before the count actually proceeded.

Mr TULLY — We agree with that. I think in a previous hearing I have stated — and I have certainly stated in the report — that we did that reconciliation and then forgot about it in the heat of the moment. It was clear that there were too many votes in that count and we had done that work earlier that morning as to how many we expected. That was an issue of coming to the end of a long program and the others flowing through, that being the last one with some adjustments and the reconciliation being ignored. The reconciliation of the sort that would have proven that to be an incorrect number to start with was done.

Ms BROAD — So you would support that requirement being included in the Electoral Act?

Mr TULLY — Sure. All our work will be around reconciliations. It is one of the tensions that we always have about counts and how quickly we can get results. The pressure for quick results at the time everyone forgets about after the event, but I can tell you it is enormous. It does not matter how resilient you are or how tough you think you are in putting that to one side, when you have the return of a writ the next day hanging over your head or immense pressure from people who do not understand the steps in a PR count and how long they take to conclude, it is there. Make no mistake, the reconciliations will be done, even if it means we are slower. For the local government elections this time we are going out of our way to not do any counting until the reconciliations are done. That will slow down the counts and that will cause some flak, but we have to take it because there is no alternative. We know that no matter what we do there will be a number of MET cases and whenever there is a MET case we have to put in all our submissions about the count, no matter if they have nothing to do with the count. We have to do that and we will be doing it and I expect that after the local government elections you will be questioning me about why the count took so long.

Ms CAMPBELL — Can I pursue that point? Candy has raised northern metro, which was a point in contention a number of times before this committee. You have said that the votes are reconciled. I am in the Western Metropolitan Region where between count 1 and count 2 there was a 500 vote difference which was never, ever reconciled. Advice provided to this committee is that the VEC does not have that preliminary data. What I am therefore asking you to provide to the committee, given that you have said that they are reconciled — and I would appreciate it if you could provide this — is a copy of the preference data file for both the northern and western metropolitan region seats in the upper house because in Western Metropolitan Region there was a 500 vote difference between count 1 and count 2. It has never, ever, ever been explained to my satisfaction and it has never been explained to the Parliament.

Mr TULLY — I have explained that before in terms of when the recounts were done of those papers they were done under scrutiny. They were done under scrutiny with I do not know how many hundred scrutineers there, and they were done under table supervision. They were done under one set of management regimes. They were all counted individually. On the first count there were a number of voting centres involved, there were a number of voting centre managers involved, there were a number of interpretations involved and there were a number of papers that were in various bits. I do not know how those original papers — when a ballot paper came back in four bits, whether it was counted as four or one, or when it is a half on its own, whether that counts as one, and I may well have had different standards of counting. But what we do know is that we got every bundle of votes that were cast in every booth, we put them all out on the tables in front of full scrutineers, and they were counted one by one.

One — you count it again — two. I can only explain that it is a manual difference in the way it was counted under one set of circumstances and then under total scrutiny. I do not know if you were there when that total scrutiny was done, but every ballot paper was individually looked at deliberately — one at a time.

Ms CAMPBELL — Excuse me for interrupting. Are you talking about count 2 at this point?

Mr TULLY — Yes.

Ms CAMPBELL — The point I am making is that there is a difference between count 1 and count 2, and what I am asking for the committee to have provided to it is the preference data file for the western — —

Mr TULLY — You can have that. For the first count and the second count?

Ms CAMPBELL — And the second count. And if you have a situation at different polling booths where there is a reconciliation of 500, 500, 500, 500, and that all adds up to 1000 — and as we know certainly within one political party there are scrutineers at every single polling booth to the extent that the polling officers probably wish there were not, but their eagle eyes are watching, they count, and they are not allowed to leave until the votes have been reconciled — therefore to have 500 difference between count 1 and count 2, to my mind, is a huge difference. If you are able to provide those data files to us, perhaps we can make some sense out of it, but at the moment from where I am sitting I cannot.

Mr TULLY — In terms of the election report, I gave the result line difference, point by point, to show where the variations were between both counts.

Ms CAMPBELL — If you can provide that, that would be quite useful.

Ms WILLIAMS — The first count involved the manual counting of above-the-line ballot papers, and those marked below the line were data entered. When we came to a recount situation all of the ballot papers were brought under the one roof. The above-the-line ballot papers were sitting in the individual election offices before they were brought down to the recount. Only the results were transmitted to MECC for entry into the computer count application for the first count, and the below-the-line ballot papers were data entered at MECC for that first count. When we went into recount all the ballot papers were brought together under the one roof and, as Steve said, they were gone through ballot paper by ballot paper. There were some mis-sorts that happened in bundles. Some above-the-line ballot papers, as part of the recount process, moved to below the line; some below the line moved to above the line; some moved from informal to formal and vice versa; and the data entry of the below-the-line ballot papers in the recount situation overrides the original count; so the preliminary data file of that segment of ballot papers we do not have. We only have the recount file.

Ms CAMPBELL — Why do you not have that?

Ms WILLIAMS — The recount becomes the count that is under scrutiny.

Ms CAMPBELL — But why do you not — —

Mr TULLY — What use is it?

Ms CAMPBELL — Because if there is a 500 difference, it is an explanation of what may have happened in an analysis of 500.

Ms WILLIAMS — But that is only a small component of the total number of ballot papers. Of the 400 000-odd, it is only a small number — —

Ms CAMPBELL — Five hundred in the upper house — —

Mr TULLY — In 400 000 it is not a very high percentage.

Ms CAMPBELL — It might not be, but we have looked at elections where there are 12 votes that are different, where there are 6 votes that are different, and if you are telling me you do not have those figures for the first time around, is that what you are saying?

Ms WILLIAMS — The preference data files we do not have.

Ms CAMPBELL — Why not?

Ms WILLIAMS — Because the preferences themselves were overwritten in the recount.

Mr TULLY — A recount is the start of the count from scratch under scrutiny.

Ms CAMPBELL — But when you are a scrutineer, if you have got your first tallies, you write them down, and if it does not reconcile when you are a scrutineer at a polling booth you have those figures, and then your second lot of figures you go through, and you stay there until they match. You are not allowed to leave in case — you are just not allowed to leave until that is reconciled. Now 500 votes can make a difference in an upper house seat.

Mr TULLY — Yes, they can, and we have showed you — the count sheets have been made available as to where the differences are, but the number of ballot papers that are moving around in a recount is quite significant and we have showed you from one count to the next where that movement was.

Ms CAMPBELL — But for me to be able to see where that difference is, I would appreciate provision to this committee of a copy of the preference data file.

Mr TULLY — The preference data files are about 3 per cent of the total vote. This is something that Mr van der Craats is obviously putting to you as being something significant. I see no significance in it whatsoever because it is a total recount that has been done of all those ballot papers under scrutiny.

Ms CAMPBELL — Mr Tully, excuse me, I am putting this to you: if we want to go on about people who have appeared before this committee, they have every right to appear before this committee.

Mr TULLY — Absolutely.

Ms CAMPBELL — And they have every right as citizens of this state to ask questions of the electoral commission, just as people have a right to ask us as members of Parliament, and they had the opportunity earlier to put their statements or questions to us.

Mr TULLY — Absolutely. I do not disagree with any of that. What I am trying to put to you — —

Ms CAMPBELL — I am the one who is asking for it.

Mr TULLY — Sure, and it is the same debate that we have had in a number of other areas. That is all I am putting to. We are talking about 3 per cent of the vote. The number of votes of the 500 that would have come out of that data file would be negligible, would be a handful. The most votes were in those that in the recheck were sitting above the line. That is where 97 per cent of the votes are. The data file cannot change much. They are in the system.

Ms CAMPBELL — So you are saying to me that you think 3 per cent is not a significant number?

Mr TULLY — No, I did not say that.

Ms CAMPBELL — No? What are you saying?

Mr TULLY — I said you are asking for a data file, saying it was significant. There are about 3 or 4 per cent of the votes in that data file.

Ms CAMPBELL — That is right.

Mr TULLY — The great majority of where the difference of the 500 is is not in the data file. It is in the count of all of those votes above the line.

Ms CAMPBELL — Perhaps you could provide both to me then, please.

Mr TULLY — I have tried to do that in the report. I have said: here is the count sheet line, and here is where the variations have been from one count to the other. I do not think I could have been any more transparent than that.

Ms CAMPBELL — So that is the best this committee can get?

Mr TULLY — I can give you the — what have we got?

Ms WILLIAMS — We have got the preference file from the recount, and that has been widely distributed.

Ms CAMPBELL — And the first count?

Ms WILLIAMS — We have got the result of the count and the preference distribution from the first count, and the preference distribution from the second count, and you can line up and see exactly where the differences are. The data file has got the individual preferences for each ballot paper, and we have got the file from the recount.

Ms CAMPBELL — Okay. If you would give me both of those, I would be most appreciative. The other thing you mentioned in your submission in relation to the trust fund was that it could be audited by the Auditor-General. One of the points I have made here at the committee is that you, as the Victorian electoral commissioner, are an independent officer of the Parliament, as are the Auditor-General and the Ombudsman. I wonder, if you are prepared to have the Auditor-General audit a trust fund, if people have concerns about administrative matters, how would you feel about the Ombudsman having a similar opportunity to the Auditor-General auditing a trust fund?

Mr TULLY — The Auditor-General of course audits all of our finances now.

Ms CAMPBELL — That is right.

Mr TULLY — I have no problem with whoever is to audit. It is just that if you make another person a quasi electoral commissioner, you start diluting where the responsibility is, but that is up to the Parliament. The Parliament can do as it sees fit, and we will work within those arrangements. We were asked this question before. I have said I do not have a problem with the Ombudsman looking at anything that we do, but once you start drawing other officers in between the electoral commission and the Parliament, who is responsible for what is the question that has to be worked out. But it would not worry me in the least.

Mr O'BRIEN — Commissioner, you made comments in your written submission about the three-month rule, and you note that:

The three-month rule is based on the principle that only people who live within an electorate should be able to vote for that electorate.

And that this is a strong principle. I would agree with that. You then go on to say that the effect of the three-month rule may be that people who do not update their enrolments may be excluded as a result, and you suggest that:

... the act should be amended to either abolish the three-month rule, or to exempt the rule from applying to electors on the roll who move within their electorate without updating their enrolment.

In relation to your first suggestion, to abolish the three-month rule, I am just wondering how that would interact with this idea of election-day registration. I would like to put to you a hypothetical, and you tell me if I am barking up the wrong tree. If the Parliament was to facilitate election-day registration, meaning that you could turn up on the day and enrol when you have not previously enrolled, or if you are on the roll, presumably if you abolished the three-month rule you might be on the roll for a particular electorate but if you say, 'No, I am now living in this electorate, and I want to vote here for this seat', would that be permissible?

Mr TULLY — That is a good question. Again, the basic notion of the roll is the roll is the roll is the roll used to be the old statement and if you are on the roll you are on the roll for that address. So I would see that on-the-day enrolment would be for people who were not on the roll for an address.

Mr O'BRIEN — So you would not be saying that election-day registration applies — —

Mr TULLY — That you can swap and change where you want to, no.

Mr O'BRIEN — That it applies to updates?

Mr TULLY — No. It is a notion that I am floating to you to look at. I do not want to sound as though I am putting parameters around it, but if you are asking me the question I am most comfortable with the notion of the roll is the roll. It is certified by the state registrar. It is taken to be accurate is the old notion. It is people who are not on the roll, who are denied a vote, who believe they are eligible to vote who should be given the ability to vote is what I would return to.

With the three-month rule, if you look at the franchise, it is the rules the Parliament makes that can bring in far more than 500 or 1000 votes. The rules that are made around that eligibility are really important. For example, if I live in one street in the Western Metropolitan area and I shift to the street next door, I am still in the same district and I am still in the same region, I go along to vote and the voting officer will say, 'You are not enrolled at that address'. I say, 'I lived there four months ago; I now live just across the street', not only does your vote not count for the district but your vote does not count for the region either. In terms of national standards, that falls way outside of what would happen in other states. If you are on the roll somewhere, at least your vote for the upper house would count, and there would be some effort to get your vote for the upper house to count. That is another concept which I would put to you. You have got to make those decisions, whether that is fair or not, but they are the ones that make a big difference to the numbers in electorates, just as counts do.

Mr O'BRIEN — I appreciate your answer. I am trying to clarify, and I think you may have answered but I just want to double-check. What would be particularly concerning is the notion that quite legally if you were to abolish the three-month rule and have election day registration you could have hordes of people moving into an electorate the night before an election, turning up at the polling booth on the day, being asked where they reside and saying, 'I reside here', because they did as of last night, and they have got a right to vote in that electorate. I am very concerned about the integrity of the roll in some of these proposals. Enfranchisement is absolutely vital but so is integrity, because without integrity you jeopardise the franchise that everyone else who is legitimately on the roll is able to exercise.

Mr TULLY — Absolutely. Through you, Chair, what the three-month rule did was take away the whole adage that the roll is the roll is the roll. It said the roll is not always the roll. If you have not lived at that address for the last three months, then you are disenfranchised, even though you might live right next door. The demographic studies will show most people do not live far away from where they lived last time, in general. They are legitimately still living in the same district, certainly in the same region, but neither vote counts.

Mr O'BRIEN — And they would have received a surplus of advertising from the VEC in the lead-up to the close of the roll saying, 'If you have moved house, you must update your enrolment', and they have ignored all that. They have presumably ignored the letters that you have sent to them when they have changed their drivers licence or other things — you mine all those databases — and said, 'It appears that you have moved, can you please fill in this form to update?'. They have ignored all that and then they are disenfranchised. You could say they have disenfranchised themselves.

Mr TULLY — Absolutely you could. That is a legitimate line to take, to say the rules are there. We do everything we can to advise electors what those rules are. If they choose to do so, they will not vote. They disenfranchise themselves. My issue is you are looking to increase participation. I am saying that is going to happen more and more. If you are happy to live with that, so be it. If you are not, there are other ways.

The CHAIR — Just to follow up on that, do you actually do everything you can? Is the onus not still on the elector at the moment?

Mr TULLY — It is.

The CHAIR — If you have an alternative address would you chase that elector up at an alternative address not necessarily supplied to you? If you can have a look at another database or look at the *White Pages* and they find out they live two streets down the road, would the VEC actually go and chase those people up?

Mr TULLY — What we do is concentrate on people on the move. If we get data from places like Centrelink, Australia Post, the motor registry, the bonds board, that somebody is on the move, we would write to them at the address that is later than the one on the roll saying, 'It looks as though you may have moved. If you have done so, please fill in an electoral enrolment form', and 30 per cent respond.

The CHAIR — You actually write — —

Mr TULLY — To where we think they are. We also write to the vacant address. We do not know who it is, but we say, ‘You may have moved in, please fill out the form’. The argument that has been put is: are you doing everything you can? I believe we are. But what I am putting to you is that we are getting 30 per cent response. Then we will send another letter and we will get another 30 per cent, and then we will send another letter or a targeted review and we might get a few more. Then there are these ones who do not read their mail or whatever who come up on voting day and expect to vote. That is the critical question: should the rules be reasonable enough and exclude them, or should the rules be changed to include them? That is all I am trying to put to you. I am not advocating any particular position. I am advocating that the trend is that less and less people are complying.

Mr O’BRIEN — Just one further follow-up, and following on from the Chair’s comment, if you have written to people on a number of occasions and 30 per cent reply, that does not necessarily mean that 70 per cent are therefore going to be disenfranchised. It may be that people have given a different address to Centrelink or to VicRoads or to some other body for whatever reason but they still do reside at the address for which you have them on the roll.

Mr TULLY — That is possible.

Mr O’BRIEN — You certainly could not rule out that that is possible, so those people are not necessarily being disenfranchised as a consequence of not returning the letter that you have sent to them.

Mr TULLY — That is true, but what stares you in the face, through you, Chair, is the gap that is appearing in the roll with people who are obviously having letters who are not responding. There are less people on the roll as a percentage of those who are eligible to be on the roll. You do not disagree with that, do you?

Mr O’BRIEN — I think a lot of it may come back to your earlier comments about lack of motivation. As you say, particularly with younger people, it does not seem to be any lack of understanding about the mechanics of getting on the roll and voting; it is a question of how do you actually motivate people to think, ‘This is going to make a difference. I want to participate in this process’. I think that is as much of a challenge. It is not something you can legislate for. On that point, can I congratulate the VEC on its Passport to Democracy campaign? From what I have seen today in your presentation it looks like a very, very good program.

Mr TULLY — Thank you.

Mr O’BRIEN — Without going to the issue of funding, I think if there was opportunity for its expansion that would be a good thing.

Mr SCOTT — In terms of that, I have to respond and ask a different question to what has been said by the member for Malvern. What was stated was there was a lack of motivation, and yet in the vicinity of 60 000 people who attend on election day, who are clearly motivated to vote, who are engaged in the process, who want to participate in the process, who want to vote, are being excluded by the provisions as they exist. Therefore I would contend, and I seek your view, that there is not evidence that that group of people who are being removed from the roll and who are attempting to participate is simply a question of whether they are motivated to participate in the electoral process — —

Mr O’BRIEN — They may have been motivated to attend, but not motivated to send the form back.

Mr SCOTT — At least they tried to vote.

Mr O’BRIEN — We will agree to disagree.

Ms BROAD — Commissioner, as you have indicated, the rules that the Parliament sets have a significant impact on voter participation and on election results. I think that direct enrolment would solve a lot of problems with voter participation, but as a member of the upper house perhaps I have a particularly keen interest in the fact that there were some very close results at the last election, notwithstanding the very large number of voters in each of the upper house regions. One of the submissions that has been put to us is that given the closeness of those results has again focused on the method of calculating, in particular, what is referred to as the surplus transfer value so that it is based on the value of the vote rather than the number of ballot papers, and I am mindful of the response you gave a little earlier about the length of time involved in more precise calculations of results. Given the very close results in two regions out of the eight regions, I would ask you to indicate, notwithstanding the extra time that

might be involved in moving to a more precise method of calculation, that with the computer facilities that we all have access to now, whether you think the closeness of those results would warrant in future moving to that more precise method of calculating votes, and particularly being mindful of local government elections coming up later this year where the number of votes involved is much smaller and potentially the impact of the method of calculation can be much greater, what your response is to that proposition to move to the more precise method of calculating the count?

Mr TULLY — Through you, Chair, the subcommittee of this group visited VEC to get some information on what the proposal was and how we were doing. My understanding is that the heart of the matter rests with when a candidate in a count achieves a quota, that quota is achieved through their own primary votes and also from votes that they have received from other candidates excluded in the count, and the transfer values for votes that have been passed on from candidates who have achieved a quota. What the current law says is that once that quota has been achieved during the count, a new transfer value is calculated and all of the ballot papers are thrown at that transfer value. What has been put to you, as I understand it, is that there should be a move away from that and that the weighting that was given to the original votes should be more thoroughly incorporated. I understand that to be commonly called the weighted inclusive Gregory method or, as some Americans call it, the immaculate Gregory, which always reminds me of a duck. In theory what we would say is that it is more accurate to give a weighting to the votes at the manner in which they have been received, so that those votes that were received at full value through an exclusion would have a greater value than those votes that were achieved through a transfer value. One has come at 1 and one has come at .032, but they are all thrown at the same value.

So we would agree with that proposition that in a purist sense that would be the more accurate method of calculating votes. In terms of materiality I am not sure that it is ever going to make a difference. You can construct, and certainly the submission that I have seen constructed, is one that does not exist in any arrangement in Australia where there are sort of ticket votes for individual candidates, but there could be a case when it occurs. It is certainly more pure, more absolutely correct, to adopt the weighted inclusive Gregory. In terms of materiality I am not sure whether it is ever going to make a difference.

The CHAIR — What about local government elections?

Mr TULLY — I am not sure. I think it could lead, if you are bundling more votes up, on the value and weighting them, as the Gregory weighted suggests, I suspect that more votes could be lost through fractional remainder. The commonwealth will look at it as well, I think, but I suspect it is not going to make much difference. Even in Tasmania where they have Hare-Clark, which is another system of PR for calculating the transfer when someone receives a quota, they make a calculation and only throw the last bundle, which even for Tasmania is not as correct as weighted inclusive Gregory. But I think I said to Mr Scott when he visited us, 'If you are going to go that far and are going to be puristic, it is not inappropriate also to consider the Robson rotation and say there is an intrinsic value being at the top of the ballot paper and in the middle and that all candidates should be rotated'. I hope that comes in after my retirement, but it is the same principle. Puristically Robson rotation is fairer than random draw. Mechanically it is a headache — you might not care about that — but it is fairer. What it does and what the implications of that are it destroys how-to-vote cards, which is another issue.

The CHAIR — What are the strengths and weaknesses, would you say, of the Gregory system?

Mr TULLY — It is a purer system.

The CHAIR — It might be a purer system, but you are saying it may well be more accurate; is that right?

Mr TULLY — Yes, I think — —

The CHAIR — In that case what do we lose from going to that system — time, costs?

Mr TULLY — We would have to redevelop our computer system or borrow Western Australia's. I do not know if we would have to test it. They have gone down that path, and it might be different from the commonwealth system.

The CHAIR — From our perspective we are probably after accuracy, but also there is a trade-off. If it is too time-consuming and not cost-effective we obviously will not considerate so it would be helpful if we had that information as well.

Ms WILLIAMS — It would preclude manual counting to some degree. Local government elections would all then need to be done by computer because with the smaller PR counts we can manage with a manual count as opposed to a computer count.

The CHAIR — In that case, if you have the time, maybe a critique of that model in terms of type and costs in particular and perhaps what you gain in accuracy — if you could possibly do that.

Mr TULLY — So it is modelling. I do not know how we could do that. We will think about it.

The CHAIR — Thank you.

Ms BROAD — But you believe that Western Australia has some existing experience with it.

Mr TULLY — They have moved to it.

Ms BROAD — So that is a ready source of data.

Ms CAMPBELL — It was really good to hear how you are focused more on participation, engagement and encouraging people's motivation. I have children in the travelling age group. I would be very interested if you could please outline to me how you see section 22(3) of the Electoral Act operating. That relates to where people are overseas electors. There are 16 of them heading off backpacking, and they will all be away for the municipal elections. They will be in various parts of Europe, most of these young people. Could you tell us a little bit about that. Some of them are living at home, some in rented accommodation, so when they go overseas obviously their homes will still be there but those who are in rented accommodation will not be continuing their leases.

Mr TULLY — Are you asking in terms of a state election or a local government election?

Ms CAMPBELL — Local government or state. How does section 22(3) operate?

Mr TULLY — What we require for enrolment purposes is the principal place of residence. If people are leaving the country, what they should do is notify AEC registrar of where they are going and when they expect to return. If there are any elections around then they can notify the electoral authorities for a redirection of their ballot materials and we would take that on, but they should notify the registrar of their movements.

Ms CAMPBELL — If someone is going overseas and they are backpacking and basically they go where and when the wind takes them and they do not have a return flight booked, how does that work?

Mr TULLY — If they are intending to come back — —

Ms CAMPBELL — Yes, they are definitely coming back.

Mr TULLY — If they have a principal place of residence and they are going to come back and live at home with you, they would retain that on their enrolment.

Ms CAMPBELL — What about the ones who are flatting?

Mr TULLY — It would depend. They would have to nominate an address where they are going to return. It might be their parents or another address. If they have not got one, they will drop off the roll.

Ms CAMPBELL — Where is that in here — under section 22(3).

Mr TULLY — They need an enrolment address. They need to be enrolled at an address or as an itinerant. I would have to know the exact details of what they are. All I could do is encourage them to notify the AEC registrar, tell them of their circumstances and to make arrangements through that process for getting voting materials.

Ms CAMPBELL — We have people ringing our electorate office during state elections and they say, 'My son' or daughter 'is overseas'. The parents take it upon themselves to let us know. There is not necessarily a return address for them because they were flatting before they left.

Mr TULLY — Are they on the roll?

Ms CAMPBELL — Yes.

Mr TULLY — Where are they on the roll?

Ms CAMPBELL — At the address where they were flatting.

Mr TULLY — I am surprised. They would be objected off at one time or other because there would be some information from DFAT that would probably come into the roll arrangement so that it would be known they had left that address. They would probably be objected off in due course.

The CHAIR — This is the last question. Thank you for time. We have gone 25 minutes over.

Mr TULLY — I have a question I have got to ask you at the end, too.

The CHAIR — Fantastic. I might have to take it on notice though.

Mr TULLY — Sure.

The CHAIR — According to your figures — not these figures but the figures reported to the 2006 election — in 1992, 95.13 per cent was the turnout. That dropped significantly to 92.6 in the 2006 state election, and in the report you stated that you did not know why — the VEC does not why this happened — and you needed further investigation to ascertain the reasons why it happened. In this submission you give some possible examples such as diminution of ideology, parties being too close together and things like that. Have you done further research on that? I see this as fundamental to this inquiry. If you have not done any research have you got any suggestions for us in terms of trying to work out why the decline is so steep from 1992 to 1996?

Mr TULLY — Mobility is the major one and motivation. If we look at the by-elections, and even in Kororoit I think the turnout was under 83 per cent, there is a certain amount of what is the event and how topical is it, what are the likely predictions for an outcome, how close is it going to be, what are the issues. All of that will help galvanise turnout. We provide the facilities, we provide all of the information, we provide the follow-up, and in some ways that is all we do.

The CHAIR — Thank you for that. After North America we would love to have the opportunity to speak to you again if that is not a problem.

Mr TULLY — That would be great.

The CHAIR — I am sure we will be better informed and maybe some of the questions we have asked you today we would not have needed to ask you after the trip as we would have seen it firsthand. I disagree with you a little bit in terms of campaign finance reform. I believe you do have a contribution to make in the administrative side of some of the models that have been proposed. The VEC, quite clearly, gets a mention. If you would not mind we will put those questions to you too next time. We might put them to you before we actually speak to you if that is not a problem?

Mr TULLY — If there are some models that you want implications or information on. Political funding is clearly one where you are getting information from a range of good reliable sources, and we have no real responsibility for disclosure except for getting those returns from parties that they are not getting gaming companies' support over a certain level. I am happy to respond to anything that you put to us, but I thought it was an area in which you would get advice from other areas and it was a policy one that we were best to keep away from at least at the beginning.

The CHAIR — The VEC has been mentioned as a potential administrator in some of the models.

Mr TULLY — Sure.

The CHAIR — We might bounce a few ideas off you.

Mr TULLY — That would be good.

The CHAIR — Thank you for that. And your question?

Mr TULLY — My question relates to a letter I have had from a political party which wants to look at informality. They have asked me for access to informal ballot papers so that they can no doubt look at them and, I guess, make some assessment of political consequence of various counting systems. I have said to that particular party that I would refer the issue to this committee given your interest in it and that I am uncomfortable in just making it available to one party without the others and how wide it should be. Clearly I will be spending some public money on it if we pool the ballot papers in or even if we do it at the store. Most of them should have been destroyed by now but they have not been so they are still available. I just wanted your guidance on whether in fact you think it is appropriate for that to be done or whether you want some work done on it. I would not want to do some work and then have to redo it because you would have wanted something else or whether you have got enough information from the material that we have provided. We have not looked at political consequences as one party benefits more than the other. We have said that this is where it is because our interest is in participation.

The CHAIR — I definitely will take that on notice.

Mr TULLY — It is not unfair of me to ask you this?

The CHAIR — No, it is not, but I will need to take it on notice. We will correspond in writing.

Mr O'BRIEN — We might discuss that matter within the committee and come back to you with a considered view.

Mr TULLY — That is fine. I am very happy with that.

The CHAIR — Thanks very much for your time.

Committee adjourned.