

ELECTORAL MATTERS COMMITTEE

Inquiry into the Conduct of the 2022 Victorian State Election

Melbourne – Thursday 10 August 2023

MEMBERS

Will Fowles – Chair

Evan Mulholland – Deputy Chair

Brad Battin

David Ettershank

Sam Hibbins

Emma Kealy

Nathan Lambert

Lee Tarlamis

Emma Vulin

WITNESSES

Chris Ford, State Secretary, and

Cameron Petrie, State Secretary, Victorian Labor Party.

The DEPUTY CHAIR: I declare open the public hearings for the Electoral Matters Committee's Inquiry into the Conduct of the 2022 Victorian State Election. All mobile phones should now be turned to silent.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us is gathered on today, and pay my respect to their ancestors, elders and families. I particularly welcome any elders and community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings.

I am Evan Mulholland, the Deputy Chair of the committee and Member for Northern Metropolitan. The other members of the committee that are here today are David Ettershank, Member for Western Metropolitan; Sam Hibbins, the Member for Prahran; Emma Kealy, the Member for Lowan; Nathan Lambert, the Member for Preston; Lee Tarlamis, Member for South-Eastern Metropolitan; and Emma Vulin, the Member for Pakenham.

I welcome Cam Petrie, the Assistant State Secretary of the Victorian Labor Party, and Chris Ford, the State Secretary of the Victorian Labor Party.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, including on social media, those comments may not be protected by this privilege. The committee does not require witnesses to be sworn, but questions must be answered fully, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of the Parliament and subject to penalty.

All evidence given today is being recorded by Hansard and is also being broadcast live on the Parliament's website. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

The media are present, so we welcome any media covering the hearing today. We remind you of the following guidelines: cameras must remain focused solely on the people speaking; operators must not pan the public gallery, the committee or witnesses; and filming and recording must cease immediately at the completion of the hearing. Broadcasting or recording of this hearing by anyone other than accredited media is not permitted.

I invite you to proceed with a brief 5-minute opening statement to the committee, which will be followed by questions from the committee.

Cameron PETRIE: Wonderful. Thank you for the opening, Deputy Chair. I will not completely rehash our submission. But I guess I just want to touch on the four key themes of our submission and flesh those out just a little bit more, and then are we are obviously happy to take your questions.

The first one is ensuring the accuracy of the counting process. This is really based off our experience during the campaign and then obviously on election night and the longer period at the centralised activity site, and it really speaks to enhancing public confidence in the system, ensuring robust procedures for counting and, I guess from our perspective, both having data that we can analyse following the election, which improves our processes and also is good for the VEC, and making sure that we look at different states and the Commonwealth, see what they are doing around counting procedures and try and copy some of their best practice models as well.

The next one is enhancing the voter experience, which obviously is making it the best experience possible for voters. There has been a lot of commentary around the decline of participation in elections and how that links into the voter experience. I certainly do not think it is 100 per cent of the decline. But it would be good for this committee to flesh out some of that, and I know that the committee is doing that.

In terms of our piece of work on time lines we thought this was a good place to not only speak about the challenges of the time line itself but also discuss policy solutions that you can only implement with a change in

the time line. As the VEC noted in their submission, the time line in Victoria is the shortest of any jurisdiction in Australia. It puts pressure on registered political parties and of course pressure on the VEC. We saw some of that in terms of ballot paper production, for instance. The additional time allows you to consider other solutions that would make different elements of the electoral process better for everyone. One of the things that we suggest, not strictly related to time lines, is a two-candidate preferred recheck, like the Commonwealth undertakes. That is only possible with a change of time line, so that is why we have put it in that section.

Then the last one is speaking about the culture of the VEC from our perspective as a registered political party. There were points, I think, particularly in the counting process – and I say that because that is what I was most privy to during the campaign – where it felt like the VEC were taking an adversarial position towards not just us but all registered political parties. There should be a consideration of different measures, be they legislative, be they regulatory or be they at a VEC executive level, whereby the relationship or the experience of registered political parties during an election can be improved. Anything to add, Fordy?

Chris FORD: I have nothing to add.

Cameron PETRIE: That is our opening statement, and we look forward to your questions.

The DEPUTY CHAIR: Excellent. Thank you. I will start off. I just want to go to recommendation 8 in your submission that:

The VEC should establish, and share with all registered political parties and candidates, a clear escalation – process –

... for dealing with behavioural incidents at voting centres.

Are you aware that the VEC in particular received formal warnings about the Member for Ringwood and his behaviour towards voters at polling booths?

Cameron PETRIE: I can take that one if you want. We were not made aware of any of those warnings from the VEC, and in terms of both their complaints process and how that relates to conduct under their policies or the Act we consider that a matter for the VEC.

The DEPUTY CHAIR: So you were not made aware of –

Cameron PETRIE: Not to my knowledge.

Chris FORD: Nor mine.

The DEPUTY CHAIR: Your submission says the VEC should be given a clear mandate in legislation to enforce appropriate behaviours on voting centres. I understand after asking, and consistently asking, voters for their personal addresses the Member for Ringwood was warned and removed from pre-polling centres in that instance. Do you consider that an appropriate punishment, and would that be part of any legislated mandate?

Cameron PETRIE: In terms of the question about whether the VEC should have powers to – and the process that you have outlined in terms of asking for a change of behaviour from individuals ending up in moving on an individual, obviously within a clearly understood framework, we think that that in the broader sense would be a good approach.

The DEPUTY CHAIR: Were any complaints about any Labor MP and their behaviour reported to the Labor secretariat by the VEC?

Chris FORD: Not that I recall.

Cameron PETRIE: Not that I am aware of.

The DEPUTY CHAIR: Okay. And I just want to move on to group voting tickets, but just for clarity, is the Member for Ringwood still a member of the Victorian Labor Party?

Cameron PETRIE: We generally do not discuss our membership list publicly.

The DEPUTY CHAIR: So you cannot disclose whether he is a member of the Victorian Labor Party.

Cameron PETRIE: We generally do not talk about it.

Chris FORD: I would never –

Lee TARLAMIS: How is that relevant to the inquiry and the terms of reference?

The DEPUTY CHAIR: I will let Mr Ford continue.

Chris FORD: I would never confirm whether an individual was a member or not of the Labor Party.

The DEPUTY CHAIR: Okay then. I just want to move on to group voting tickets. Several submissions argue for, sort of, a single metropolitan electorate, single regional electorates. Are you in favour of abolition of group voting tickets in principle, and do you have a preferred model?

Cameron PETRIE: I guess that is a good way of framing the question. So in principle we are in favour of the abolition of group voting tickets, but that obviously needs to come in the context of a discussion about what replaces it. I agree that we are in principle in favour of the abolition of group voting tickets, but it is not a blank cheque, for want of a better word, for any potential solution. In terms of a single statewide electorate, I would agree that a discussion of the voting system – and the committee should have that discussion in the context of the structure of the Legislative Council – is a positive thing for the committee to do, because obviously you can never fully separate the two. But of course a change of that nature would require a constitutional amendment by way of referendum – is our understanding. I guess that is food for thought for the committee.

The DEPUTY CHAIR: I welcome your position on group voting tickets. Given the Labor government has been in since 2014, do you have any view on why it has taken the Labor Party so long to land on a position of abolishing group voting tickets, even though you have had eminent people like Antony Green advocating for the abolition of group voting tickets for such a long time and given it has been such a longstanding issue?

Cameron PETRIE: I would have thought it is more of a matter for our colleagues in the government. I mean, obviously it is our job as a secretariat, as it is all political party secretariats, to look at voting systems and election results and try and model different scenarios. But in terms of the public policy position, we do not make public policy down at the secretariat. It would be a matter for our colleagues in the Parliament and in the government.

The DEPUTY CHAIR: I just wanted to ask a question on the VEC. In particular I understand there is currently a by-election going on. I understand the VEC has not sent any mail pieces to residents informing them that there is an election on and has only spent \$500 on Facebook advertising to 18-year-olds to 24-year-olds. Given that the Labor Party may face a by-election sometime in the future – it is not out of the realms of possibility – do you think it is concerning the amount of voter engagement that is going on in that particular by-election?

Chris FORD: I am not aware of the level of – we are not contesting that by-election, so –

The DEPUTY CHAIR: Yes, I am aware of that.

Chris FORD: I am not aware of –

The DEPUTY CHAIR: Would you find it concerning if you were in that scenario where voters were not being informed by mail that there was a by-election on?

Chris FORD: I do not really have a comment on that.

The DEPUTY CHAIR: Okay, no worries. I might come back to my questions after everyone else, but I would like to give other members a go. I would like to pass on to the Member for South-Eastern Metropolitan Region.

Lee TARLAMIS: Thank you, Deputy Chair. I will pick up on some of the questioning that was raised by the Deputy Chair. However, I will not do what he has done in terms of trying to single out individual cases,

even though we do have specific submissions, like submission 47, raising the behaviour of the Member for Brighton, or submission 48, which raises the behaviour of a National Party member. I would rather focus on some more practical solutions about how we can look at what sorts of changes we can put in place around behaviour and enhancing the voter experience on election day. Can you speak to some of the measures that you have suggested in your submission and elaborate on those a little bit?

Cameron PETRIE: Yes, sure. We do not necessarily propose a specific policy solution – we put in a suggestion for the committee to work up – but some of the principles that we outline in our submission are that there should be someone whose job it is on the booth to be the first point of contact for behavioural issues. I think one of the issues that was experienced across Victoria was that there was a kind of buck-passing, for want of a better word, between different officials on booths, and there was not a single point of responsibility. What flows from that is that once you have that person on the booth, they would need appropriate and clearly understood powers to be able to perform their role. We used the analogy of the Electoral Commission of South Australia, which employed someone at every voting booth to ensure that COVID safety practices were followed. Obviously we are not suggesting that there be a COVID-safe marshal on every booth, but in terms of the approach of recruiting a single person on every booth to perform a specific function, it is something that other jurisdictions have experience around. We note as well there is something similar to our proposal in the submission by the group of independent candidates. I cannot recall where it is in their submission, but there was certainly something that was similar to our proposal in terms of there being someone on the booth almost more as a preventative measure but of course having those powers should the need arise.

Lee TARLAMIS: Do you think that having an actual understood and communicated code of conduct would help? And also, further to that, having a provision whereby volunteers were required to actually sign that? So it is not assumed that they know, but they are actually making a conscious decision to sign that saying that they sign up to that behaviour, which would then allow for policy settings where you could have escalation policies and things like that as well.

Cameron PETRIE: In terms of signing something, it is not something that I had considered, and it is not something that I am overly wedded to either way. I will leave that for the committee, how to implement that. We suggest that participants are taken to have agreed to that if they are within a certain distance, which in our mind would be analogous to certain signage provisions which relate to distance and things like that. But in terms of how that is actually implemented, we will leave that to the committee.

Lee TARLAMIS: No worries. Are there any other measures that you think would help in terms of behaviour on the day? Is there another sort of mechanism or another avenue to explore?

Cameron PETRIE: Certainly we think that, for the purposes of our submission, is the main one. Having someone who is clearly responsible and someone who is there at all times would be the main factor around that. I also think it is worth noting as well that the electoral environment in 2022 was one that we have not seen before in terms of a major global event and how that changes by the time we get to 2026.

Lee TARLAMIS: That is my time, Chair.

The DEPUTY CHAIR: Excellent. I might go to Mr Hibbins.

Sam HIBBINS: Thanks, Chair. I will just go back onto group voting tickets and just note your in-principle support for abolishing group voting tickets. Is your preference to see that resolved by the next election?

Cameron PETRIE: I guess we would not want to put the cart before the horse in terms of – we are in principle in favour of abolishing group voting tickets, but we would want to see what the alternative is and have the policy work done. I do not think I can really answer your question specifically without seeing any of the policy work or the alternative proposal – how long it would take to implement that, what legislative change is required, and potentially constitutional change. To me it is not really a question that we can answer given that there is not a specific model on the table.

Sam HIBBINS: Yes, and I appreciate you are not coming here putting forward an alternative or a model, but what are the sorts of principles that you would be looking for in any reform? What would rule it out for you, or what sorts of principles would you like to see if there was any reform?

Cameron PETRIE: I guess there would be a few key principles. The first one would be proportionality. We would not want to see a system where the proportionality is skewed either by the composition of the electorates or by the voting system. We would also want to see as a general rule that – 1 above the line has been formal in the Commonwealth since the 80s and in Victoria since 2006. As a general rule we would not want to see a vote that has been formal for 20 years be rendered informal by a change in the voting system. Whether that is the design of the system, whether that is by way of a savings provision, are some of the things that we will leave to the committee. Off the top of my head they are kind of the two key principles.

Sam HIBBINS: Okay, but you would like to see the removal of group voting tickets and any reform to the upper house seen together?

Cameron PETRIE: You cannot discuss one without – I think it would be folly to discuss one without the other. I mean, they are intricately linked.

Sam HIBBINS: All right. Thank you. Just some follow-up questions in terms of behaviour around booths and what have you. Do you have any specific examples of behaviour that you would like to see particularly ruled out or codified to prevent?

Chris FORD: Feel free to add to this, obviously. I think the example that comes to my mind is, at booths, what we saw in the electorate of Mulgrave, where voters were harassed and harangued as they walked from their cars to the polling booth, often by six or seven people. I think that kind of general harassment of voters is something we would certainly like to see addressed. Do you have anything else?

Cameron PETRIE: No, that is all from me.

Sam HIBBINS: Okay, thank you.

The DEPUTY CHAIR: Excellent. I might go to Mr Lambert.

Nathan LAMBERT: Thank you, Chair. I might just pick up, if I can, on your submission. You have spoken about the generating of more detailed data in the reporting that we get about voting and counts, and we can all see the value in that. Insofar as the purposes of scrutiny and so forth goes, it is very helpful for all of us to have a clear picture, and you have a less clear picture when you have a huge pile of votes and there are 40,000 in that pile. You have a better picture when it is broken down a bit. I am just wondering if you could expand a bit. Obviously here in Victoria, increasingly these days, the early, absent and postal categories are simply very big piles of votes with very little understanding from anyone often, certainly to a layperson, where they came from. I am just wondering if you could expand on exactly what sort of additional detail you would like to see in terms of providing more data on the nature of those counts.

Cameron PETRIE: Yes, sure. I might break that up into a couple of points. Our submission as it relates to early voting – and I know this was in Antony Green's submission as well – is to follow the AEC practice of splitting the different early voting centres in a district and reporting them separately, and also separating the votes that are within a district from those that are cast absentee. It diverges slightly from your question, but if I may, I might just touch on something that I think Mr Battin raised at the hearing in March, which were some of the issues around early voting centres being unable to be categorised as joint booths. I think that was a big issue. I was unaware of the problems that Mr Battin had, but it certainly caused us issues in regional Victoria. It took four or five days for votes that – you know, we knew the result in Ripon, we thought, on Sunday night, but when you have 7000 votes in a warehouse that are not counted until Thursday you cannot really call the seat until you have seen those votes, because you have 20 per cent of the seat classified as absent votes, so they are not counted until Thursday. That was a problem, we think. We ask the committee to look at it. We think that the AEC practice of having joint early – I cannot remember their categorisation, but in the recent federal election I think there was a Rowville–Aston pre-poll voting centre and a Rowville–Dandenong pre-poll voting centre. That kind of practice would be handy.

Coming onto the absent voting question, we think the AEC practice as well provides a good guide in terms of breaking down – and this is more information for political parties and interested media – about how many votes are left to come in a count so that the media can accurately give a picture of what is happening, and as it relates to political party, we know what is happening. Everyone at this table has been a nervous candidate before, and we deal with a lot of nervous candidates during the counting period.

Nathan LAMBERT: Some of us more than others.

Cameron PETRIE: So having a system where we know how many absent votes have been issued, how many have been received, how many have been accepted and how many have been admitted to the count would be good. One of the things we touch on I think in a separate recommendation of our submission is – and it kind of both touches on a specific technical recommendation and also our piece around the culture of the VEC – we wanted to see, for instance, which districts absent votes had come from. We have not been presented with any compelling reason why that should not be information that is made available to political parties, and when we tried to take a look at it in the counting centre, even if it were sitting on a table in a public area, a VEC official would come over and turn it over in front of us, which is a bit frustrating I have to say. Being able to see those summary sheets in the count centre allows us to know where they come from. And again, as political party secretariats – I am sure the Liberal Party is exactly the same – it builds the information that we get from those sheets into our predictions and allocation of people for scrutineering in those days following the election. I think the best guide – I think we attached it as an appendix to our submission – is the AEC practice of a table of absent pre-poll, absent on the day, how many have come in, how many have been received; all of those categorisations. We think the AEC practice is a good one, and we would be happy with that.

Nathan LAMBERT: And it would build confidence in the system for all of us, is that your –

Cameron PETRIE: Absolutely. I think as a general principle the VEC should know how many votes are in the count.

Nathan LAMBERT: Yes. And turning then to the two-candidate recheck as sort of a similar thing, and I think the example here was Pakenham where there was that challenge with the discrepancy, and we have all seen counts where you get that problem. You talk about the time line issue with that. Can you just expand on exactly how that works?

Cameron PETRIE: Yes, absolutely. It was apparent to us during the counting period – and also it was communicated to us by the VEC – that the VEC runs up against a very tight time line for returning the writ. Again, I think it is certainly shorter than New South Wales, but it is a very short time line for the return of the writ, which means they just do not have the time to perform that two-candidate preferred recheck. We think it is certainly desirable from a public policy perspective that a two-candidate preferred recheck is performed to build public confidence in the system, in that it would have eliminated that issue that we had in Pakenham entirely, but we accept the VEC's reasoning that with the current time line you just could not build that into the process of getting the result.

Nathan LAMBERT: And with –

The DEPUTY CHAIR: We are just beyond our 5 minutes. I might come back to you if you have got other questions, but I might go to Mr Ettershank, if that is all right.

Nathan LAMBERT: Happy to do that, yes.

The DEPUTY CHAIR: Mr Ettershank.

David ETTERS HANK: Thank you, Deputy Chair. Sorry, I have been sitting in a waiting room for quite some time so I have missed a lot of the early proceedings, so forgive me if I raise something that has already been covered. I guess the first question: just picking up the group voting ticket issue, witnesses have talked about what is not there and what is missing from being able to establish a position. I guess I am curious as to whether you have some thoughts on what a process might look like over the course of this Parliament, for example, to fill in the gaps and actually come to some resolution around the key questions you have identified?

Cameron PETRIE: Yes, sure. I think a lot of it is the inquiry that is currently being conducted by this committee. I think – this is me purely thinking off the fly here – you could break it up. Taking it back, looking at the JSCEM report in 2016, it identifies a pretty clear process for separating the different issues that they confronted. Obviously some of those are very different in Victoria given our different constitutional arrangements, but how they broke it down in terms of looking at the implications of a new voting system – obviously that causes issues and then those issues were discussed one by one in that report – would be a good approach. To what extent it would involve public consultation would be both a matter for this committee and,

should there be a separate departmental process, a matter for government, and we would obviously be willing to engage in those inquiries. But in terms of how to break down the issues, we think the JSCEM report is a pretty good model. In terms of the framework of the committee's report, the WA model from 2021 is a different approach in that I think it was run out of DPC rather than the Parliament, but they take a different approach. There are different models in different jurisdictions for how to do this work.

David ETTERS HANK: Thank you. Could I ask you maybe just – changing the subject somewhat – to elaborate on the question of truth in political advertising and what sort of possible changes you would like to see in that area.

Cameron PETRIE: We do not cover it in our submission. It is I think something where, you know, you would make the decision in principle, but then of course you would have to have a long discussion about how that works, who administers it, and you would really have to do that policy work before one could come to a position on whether to support that reform, which is a long way of saying there are different permutations, lots of different ways to implement it, and I do not think you can have one discussion without the other.

David ETTERS HANK: But does the Labor Party have a position on that currently?

Cameron PETRIE: We do not, no.

David ETTERS HANK: Okay. Cool, thanks. That was fine. Thank you, Chair.

The DEPUTY CHAIR: Thank you, Mr Ettershank. I might go to Emma Kealy.

Emma KEALY: Thank you very much, and thanks, Chris and Cameron, for coming in today. Again it is a theme I think we have got across the board of looking at upper house reform. I note that within your submission you actually refer to a particular focus on ensuring fair representation in the Legislative Council. How is that compatible with a statewide upper house system, given in New South Wales you have issues about upper house MPs being in their offices all in Sydney and people who live in rural and regional areas might have to travel hundreds of kilometres to get to their nearest parliamentarian's office?

Cameron PETRIE: We do not have a position on what the constitution of the Legislative Council ought to be, so I just wanted to start my response in that context. Given that these systems are quite common in other jurisdictions around the country, there are different models. So I know in New South Wales, as you have mentioned, all the electorate offices are in Sydney. I mean, I will leave it to them to come up with their arrangements, but that certainly is not something that I would support but also something that I do not think is intrinsic to the nature of a single statewide upper house – would be my answer to that question. But again I note that we have not come to a position on what the constitution of the upper house ought to be. We just think that you have to have one conversation – a conversation about the voting system with a conversation of the constitution about the upper house.

Emma KEALY: Which should include a conversation about accessibility of Victorians to parliamentarians, surely.

Cameron PETRIE: Oh, yes, quite right. But I think how a voting system operates and the resources provided through the Parliament of Victoria are two separate questions, in my view.

Emma KEALY: Can I ask you about your commentary around inconsistency of VEC decisions? Can you give a couple of examples for the committee, please?

Cameron PETRIE: Most of the examples, as I recall, I guess – and partly because, to be biased, this was the stuff that I worked on in the campaign – would relate to inconsistent approaches, particularly during the scrutiny and the counting period, which I think relates to the devolved nature of the re-checks being conducted in local sites and new ballots being added to the count in the centralised activity site. And of course when you have different offices geographically quite separate from each other who are not necessarily talking to each other, you just get different outcomes. It is more a commentary on the way in which you sometimes get different decisions from different decision-makers about the same decision.

Emma KEALY: Which, I assume, if I am not putting words in your mouth, it can delay, or the short time frames we have got around elections can be quite disruptive. Is that fair to say?

Cameron PETRIE: I think as a general principle we would certainly appreciate consistent applications of decisions and consistent decision-making.

Emma KEALY: Currently under the *Electoral Act* the VEC is responsible for the administration of elections but also that oversight role around the conduct at parliamentary elections. Do you support that ongoing dual role of the VEC, or do you think that we would have a stronger electoral system in Victoria if that was separated out?

Cameron PETRIE: It is not something that we have given great consideration to nor something that we have a position on. As a general principle we would want to have a look at what the issues are that are caused by that arrangement before we come to a position on whether or not we support splitting the two, of course. But we do not have a position on splitting the two.

Emma KEALY: Okay. But you do have a position on no more group voting tickets, is that correct?

Cameron PETRIE: Again I would not want to say we have a position on no more group voting tickets. In principle we want the committee to look at options that would lead to a change in the group voting system, but before there could be any commitment towards an end of the group voting system we would want to see what the alternative was. I do not think we would be able to provide a commitment. I do not think it would be wise to say we want to completely abolish one type of voting without knowing what the alternative is.

Emma KEALY: Sure. So would you prefer a change to group voting tickets, then? What change would you like to see, then, in group voting tickets?

Chris FORD: I think the clearest way, the best way, to explain this is we in principle support the abolition of group voting tickets, but the confirmation of that in-principle support would depend on the options that were presented and an assessment that what they were being replaced with was better than the current system.

Emma KEALY: Very sitting on the fence. There is a saying about that in the country.

Can I just ask you: last election, and this is something the inquiry has raised a question to the commissioner about, there were a number of public comments made by the Victorian Electoral Commission which could have had a significant – they were political comments by nature, there is no doubt they could have had a significant – impact on the way that people vote and the outcome of the election. In your view, would you support a moratorium or a similar caretaker mode of the VEC making public commentary from the time an election is declared until the date of the election?

Chris FORD: What is the commentary you were referring to?

The DEPUTY CHAIR: Sorry, I think Ms Kealy is speaking in relation to the IBAC referral, and not only that but the subsequent media that was continued on to a second and third day by the VEC that was quite political in nature.

Chris FORD: It is not something I have given any consideration to until now, and I would not feel comfortable putting forward a position on that without understanding and thinking a bit more about it.

Emma KEALY: I mean, the VEC are responsible for – they have two roles in the *Electoral Act*. It is about conducting elections and it is about administering elections. Why are they making public commentary? Do you support the VEC making public commentary around things which are much more broad than just their job of actually making sure Victorians have ballot papers when they turn up to a polling booth and making sure that it is done in a proper way, that people stick by the rules and we get a result which is representative of Victorians' views?

Chris FORD: The VEC should focus on those things that you have just listed. But as I said in the earlier answer, I am not really clear on the public commentary and the nature of the public commentary you are talking about that they made, and I think we would need to be careful about limiting the ability of the VEC to communicate.

Emma KEALY: Maybe to be balanced and fair we get the VEC talking about all the referrals of Labor to IBAC, as well, perhaps. Should we?

Chris FORD: I think what I am sort of hearing from you at the moment is sort of some of the things we might have heard in December 2020 in the US so, as I said, I would be careful about putting restraints on free speech of public servants.

The DEPUTY CHAIR: I am keen to continue on, Emma, so I might go to Emma Vulin.

Emma VULIN: Thank you, Deputy Chair. A lot of what I had has been covered already, but thank you for being here. We have seen a few submissions regarding signage at polling booths. Recommendation 24 suggests:

That the relevant Acts should be amended so that electoral signage rules under the *Electoral Act 2002* override local government rules during the electoral period.

Can you elaborate on that?

Cameron PETRIE: Yes, sure. So what that essentially means is that there are inconsistencies around the application of the *Electoral Act* and how many signs that one can have under the *Electoral Act* and then local council seeking to enforce their own – I am not an expert on local government – planning codes or their own local laws around that signage. We think there should be a statement or some kind of instrument which makes it clear that for the period of the election the rules in the *Electoral Act* are the rules and override rules at a local government level which saw signs been taken down by local governments. For instance, our party had an example where a local council was taking down a lot of our signs, and there was, I guess, an inconsistency between our ability to put up signs under the *Electoral Act* with the local council and their approach to implementing their local law.

Emma VULIN: Just another one that I have seen in your submission is recommendation 21. You are saying that the *Electoral Act* relating to the number of members required for a party to be registered should be changed to 1000 members as opposed to 500 members. What do you see is the benefit in that?

Cameron PETRIE: The benefit we see of that is – and the VEC notes this in their submission as well; they take a slightly different approach to the question of the number of minor parties who stood at the election. I do not think having 1000 members is too much to ask for political parties that require the broad support, and certainly everyone at this table, of the electorate to be elected. It would also serve to limit the number of, I guess, micro-parties who have no reasonable prospect of election. I believe the smallest electorate in the state has about 40,000 electors. For a party that seeks to represent 40,000 electors, I do not think 1000 members is too much to ask.

Emma VULIN: Thank you.

The DEPUTY CHAIR: Excellent. I might continue on just for a couple of questions, now that we have gone through everyone. You spoke about behaviour in the Mulgrave electorate and following people from cars. It was also widely canvassed in the media and, I think, witnessed by all political campaigners in the northern and western suburbs the Victorian Socialist Party behaviour of following people from cars and also just having an enormous amount of people at a particular polling booth, basically doubling the numbers of the major parties. What do you think about this? Do you have any views on a maximum amount of volunteers or party workers per entrance?

Cameron PETRIE: In terms of the maximum number per entrance, it is not something that we would support, partly because we will leave it to the committee to come up with policy solutions, but we have questions about how that would be enforced. Who would count as a party worker and how do you count that? Obviously with all of our volunteers, for instance, not all of them are members, and I am sure that is the same for every registered political party. So it is not something that we would support.

In terms of the behavioural question that you ask it is, I guess, something that we heard from a lot of our members and candidates in that part of the world. For us, it goes back to the piece of work around clear and established standards, someone to enforce those standards and someone on the booth to, ideally, prevent the behaviour. We also note the VEC exercised its powers – I cannot recall under what section of the Act – in the Derrimut pre-poll voting booth, so from our perspective the VEC already has appropriate powers in that regard.

The DEPUTY CHAIR: I just wanted to ask: we have seen at a federal level laws change around the names of political parties and having political parties with similar names – for example, the Liberal Democrat Party and the Labour DLP Party. Would you support a similar change here in Victoria, and do you have any concerns about similar names to a major political party?

Cameron PETRIE: It is something that we would want to do a little bit more work on before we had a position on it. It is not something that we have a position on at a state level, but it is something that we are looking at in doing that work, and we would be happy to come back to the committee by way of correspondence if required as well on that.

The DEPUTY CHAIR: Yes, no worries. I just wanted to get your thoughts on the how-to-vote card registration process; I know you touched on it earlier, but do you have any specific suggestions on how that could be improved?

Cameron PETRIE: Yes, absolutely. The first one would be coming back to our timing piece. I think there are just – and the VEC identifies this in their submission as well – so many choke points for the how-to-vote registration process. In our submission we propose an extension of the period of time when parties can register how-to-vote cards and requiring registration for early voting. I know that Mr Gately touched on this in his evidence in March; we are not sure what the functional differences are between how-to-vote cards that are handed out on election day and how-to-votes that are handed out at early voting. We believe that there should be a week, or more than a week – all the time lines are laid out in our submission. But ballot draw on a Friday – you have a weekend, you have a clear week, like the AEC – then you have another weekend, and early voting starts on the Monday, and cards that are handed out there ought to be registered. It also gives registered political parties not only significantly more time to register their how-to-votes for election day, but also an additional weekend between when how-to-vote registration opens and when voting opens.

In terms of the specific registration process – and I know that the Liberal Party had some issues around this as well – we touched on this in the context of the culture of the VEC, and it was the subject of a challenge at VCAT. Our experience was: we think the *Electoral Act*, at least in our specific case, was adequate in this regard, but the VEC were reading things into the Act that simply were not there. I am not sure whether that was the case with the Liberal Party's issues, but we certainly raised that as an issue and ask for an approach that is grounded in the Act for registration of how-to-vote material. We would also ask for the VEC to do some work in their office around how the process can be moved to a completely digital one. We know, for instance, that as registered political parties we have to both submit them online and take them down to the VEC to be signed off. We question what the utility of the physical sign-off process is.

And lastly – sorry, I have gone on a bit long on how-to-votes – the VEC in their submission asks for a longer time to tick off on how-to-vote card applications. Whilst we would love to give the VEC more time, we do not think it is feasible, particularly in the context where if a registration is refused, the whole process starts again. So any lengthening of the time line would have to be considered in the context of what is required to get a how-to-vote registered if registration is refused. I know that we had on some of our how-to-votes a single issue on every how-to-vote, and it was one issue, which required 150-odd how-to-votes to be registered fresh when we changed two words on every how-to-vote.

The DEPUTY CHAIR: Yes, that is fair enough. Did anyone else have any other questions they wanted to follow up quickly?

Nathan LAMBERT: I do. Thank you, Chair. Just a couple, perhaps – one really picking up what the Members for Lowan and Prahran have been talking about. I am just interested in elaborating on this point that group voting tickets and the structure of the upper house are inextricably linked. To my mind, group voting tickets are a problem because people's votes end up in a place they could never have predicted. You could abolish them and simply have optional preferential. There are other ways of doing it. Why do you necessarily also have to reform the structure of the upper house in dealing with that problem?

Cameron PETRIE: I mean, we ask the committee to consider both at the same time because the effect of a change of the voting system would lead to different outcomes. If you changed the voting system but kept the current constitution, you may have perverse outcomes where you change the level of proportionality in that system and how representative the house is as a whole. I draw the committee's attention to Dr Bonham's

submission, where he notes that the results of the 2022 state election with the group voting ticket structure were potentially more representative of the Victorian electorate as a whole than a structure of optional preferential with the current constitution of the Legislative Council. I hope I am not verballing Dr Bonham. But that was my understanding of some of his work, and we have seen that in our modelling as well.

The DEPUTY CHAIR: Are you able to show us that modelling? Is that in your submission?

Cameron PETRIE: It is scribbles in my notebook, Mr Mulholland.

Nathan LAMBERT: ‘Modelling’ might be generous.

Cameron PETRIE: It is a few lines of code and scribbles in my notebook, but Dr Bonham’s submission is very good in outlining the link. We are not saying that you have to change the constitution of the upper house as a prerequisite for changing the voting system. Our proposal is not even that advanced. We are just asking the committee to take both into consideration.

The DEPUTY CHAIR: Excellent.

Emma KEALY: Sorry, can I just interrupt. Chris, even if it is scribbles in a notebook, your modelling sounds really interesting and something the committee would get great value out of. Could you please provide those to the committee?

Cameron PETRIE: My scribbles in a notebook?

Emma KEALY: Yes, that is fine.

Chris FORD: We can provide further detail on what we have discussed now on group voting tickets.

Emma KEALY: I am really keen on the modelling, please.

The DEPUTY CHAIR: That would be great if you could take that on notice.

Chris FORD: We can take that on notice.

The DEPUTY CHAIR: Excellent.

Emma KEALY: Thank you.

The DEPUTY CHAIR: That brings us to time. I would like to thank Mr Petrie and Mr Ford for being witnesses here at the Electoral Matters Committee, and I would like to close the meeting.

Witnesses withdrew.