

Government response to recommendations made to the Government by the Electoral Matters Committee (EMC) in its Report of the Inquiry into the Conduct of the 2014 Victorian State election

#	Recommendation	Government Response
2	“The committee recommends that s63 of the <i>Electoral Act 2002</i> (Vic) be amended to specify that the maximum allowable period for early voting at a Victorian by-election be two weeks.”	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would ensure that voters in by-elections are given a reasonable period of up to two weeks to cast an early vote, promote consistency with the practice for early voting in State elections, and reduce the impact of lengthy early voting periods on campaign resources.</p>
3	“The committee recommends the <i>Electoral Act 2002</i> (Vic) be amended so that all early votes cast in an elector’s ‘Home’ District are counted on Election Night. ... [T]he <i>Electoral Act 2002</i> (Vic) should be amended so that early votes are treated as ordinary votes for the purposes of vote counting at Victorian state elections.”	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would ensure that early votes cast inside a voter’s ‘home’ district during a State election are counted on election night and, accordingly, result in a greater overall number of votes being counted on election night and promote more timely election results.</p>
4	“The committee recommends that s99 of the <i>Electoral Act 2002</i> (Vic) be amended so that early voting commences on the Monday after the final nomination day.”	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would provide for the commencement of early voting on the Monday after the final nomination day, rather than after 4.00 p.m. on the nomination day. This will allow the Victorian Electoral Commission sufficient time to receive nominations from candidates and distribute ballot papers to early voting centres before early voting commences.</p>
7	“The committee recommends the <i>Electoral Act 2002</i> (Vic) be amended so that an application for a postal vote can be applied for by electronic means, contingent on the VEC providing registered Victorian political parties with a data file containing the details of electors who have applied for a postal vote.”	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would modernise the postal vote application process by enabling prospective postal voters to make their applications for a postal vote through electronic means. The Government also supports registered political parties being provided with the details of electors who have applied for a postal vote so that those electors can be provided with information to inform their vote.</p>

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8	<p>“The committee recommends the <i>Electoral Act 2002 (Vic)</i> be amended so that an authorised witness, witnessing a written postal vote application, is not required to add their title or capacity in respect of which the authorised witness acts.”</p>	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would avoid the need for the Victorian Electoral Commission to collect information that is not required for the processing of written postal vote applications, as well as reduce the incidence of incorrect and unintended information being included in written postal vote application forms.</p>
9	<p>“The committee recommends the <i>Electoral Act 2002 (Vic)</i> be amended to allow election officials to inspect the witness date for returned postal vote declarations postmarked the Sunday or Monday immediately after Election Day, to determine if the vote is to be accepted”</p>	<p>The Government <b>supports-in-principle</b> the recommendation.</p> <p>The Government supports the need for the <i>Electoral Act 2002 (Vic)</i> to ensure that postal votes that are validly cast on or before election day continue to be recognised.</p> <p>The Government will consult with the Victorian Electoral Commission to ensure that voters are adequately advised of the need to post their votes in a timely manner, and will also consult with Australia Post to confirm their standard mail handling processes and time frames. Subject to those consultations the Government will develop any necessary reforms.</p>
10	<p>“The committee recommends the <i>Electoral Act 2002 (Vic)</i> and the <i>Electoral Regulations 2012 (Vic)</i> be amended so that prospective registered political parties meet the statutory requirements for membership 60 days before a Victorian state election”</p>	<p>The Government <b>supports-in-principle</b> the recommendation.</p> <p>The Government supports the Committee’s view that there ought to be a firm date by which prospective political parties confirm that they meet the requirements for registration to lessen the administrative burden on the Victorian Electoral Commission and promote certainty in the registration process. The Government also acknowledges the importance of prospective political parties having a reasonable opportunity to demonstrate that they satisfy the requirements for registration.</p> <p>The Government will consult further with the Victorian Electoral Commission to develop reforms that promote certainty and reduce administrative burden in the registration process while also retaining sufficient flexibility so that prospective political parties are not refused registration based on minor or technical discrepancies in their applications.</p>

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18	<p>“The committee recommends the <i>Electoral Act 2002 (Vic)</i> be amended so that how-to-vote cards at joint voting centres need only carry a single authorisation message consistent with requirements in the Commonwealth <i>Electoral Act 1918 (Cwth)</i>”</p>	<p>The Government <b>supports</b> the recommendation.</p> <p>The Government recognises that this legislative reform would simplify the requirements for candidates and political parties in relation to the issuing of registered how-to-vote cards such that an authorisation message is only required to be included once on each printed face of a how-to-vote, and ensure consistency with Commonwealth requirements. The reform maintains transparency and accountability by continuing to require registered how-to-vote cards to record the identity of the person who authorised the campaign material.</p>
19	<p>“The committee recommends that the Public Sector Code of Conduct be amended to prohibit public sector workers using government property, such as ambulances, fire trucks and uniforms for political purposes and in election campaigns and that penalties be developed for a breach of this type.”</p>	<p>The Government <b>supports-in-principle</b> the recommendation.</p> <p>The Government supports the Committee’s view that there is a need for clarity regarding public sector employees’ obligations during election periods, including that employees should not use government property for political purposes in any context.</p> <p>As the Victorian Public Sector Commission is responsible for issuing the Code of Conduct in accordance with its statutory functions, the Special Minister of State has written to the Commissioner to draw her attention to the EMC’s report. The Special Minister of State has invited the Commissioner to consider this recommendation and whether any additional guidance material should be issued to clarify public sector employees’ obligations in relation to this requirement.</p>
23	<p>“The committee recommends the <i>Electoral Act 2002 (Vic)</i> be amended to require independent candidates to lodge a statement of election return with the VEC within 60 days after the election, with the return noting the sources of funding received during the appropriate election campaign.”</p>	<p>The Government <b>supports-in-principle</b> the recommendation.</p> <p>The Government supports the Committee’s view that there is a need to strengthen measures to assist voters to identify major sources of political campaign financing and to promote the transparency of electoral processes.</p> <p>Consistent with the Special Minister of State’s response to the Victorian Ombudsman’s Report on Recommendations in June 2016, the Government’s preference is to consider reforms of political donation laws through federal harmonisation via the Council of Australian Governments framework.</p>