



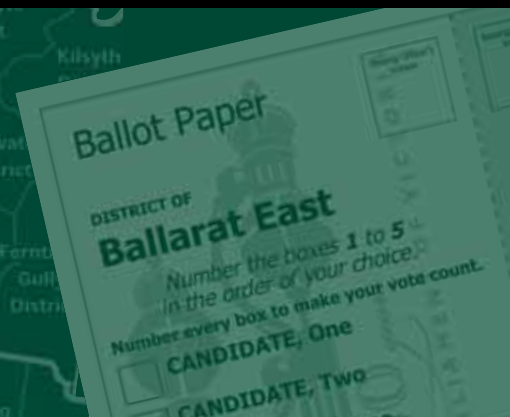
ELECTORAL MATTERS COMMITTEE

# INQUIRY INTO THE CONDUCT OF THE 2006 VICTORIAN STATE ELECTION

JUNE 2008



1st REPORT TO PARLIAMENT





---

# Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

## Report to Parliament

## Electoral Matters Committee

### June 2008

---

ORDERED TO BE PRINTED

---

Victorian Government Printer 2008

Parliamentary Paper  
No. 117 Session 2006-2008

Parliament of Victoria

Electoral Matters Committee

Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

ISBN – 978-0-9805370-0-0

ISBN – 978-0-9805370-1-7 Electronic

Maps and ballot paper images courtesy of the Victorian Electoral Commission.

Photos of vestibule and Parliament House reproduced with the permission of the Victorian Parliamentary Library.

# Table of Contents

|  |              |
|--|--------------|
| <b>Committee Members</b> .....   | <b>xi</b>    |
| <b>Electoral Matters Committee</b> .....   | <b>xiii</b>  |
| <b>Terms of Reference</b> .....  | <b>xv</b>    |
| <b>Acknowledgements</b> .....  | <b>xvii</b>  |
| <b>Chair’s Foreword</b> .....  | <b>xix</b>   |
| <b>List of Recommendations</b> .....   | <b>xxi</b>   |
| <b>List of Tables and Figures</b> .....  | <b>xxvii</b> |
| <b>Abbreviations</b> .....   | <b>xxix</b>  |
| <br>   |              |
| Chapter One: Introduction .....  | 1            |
| <b>Responsibilities of the EMC</b> .....   | <b>1</b>     |
| <b>A standard for comparison: Similar Commonwealth and state inquiries</b> .....     | <b>2</b>     |
| <b>Significance of the 2006 Victorian state election</b> .....                       | <b>2</b>     |
| Fixed election day and parliamentary terms .....                                     | 3            |
| Changes to the Legislative Council .....   | 3            |
| <b>Overview of the 2006 Victorian state election</b> .....                           | <b>4</b>     |
| Election timetable .....   | 4            |
| Voter turnout .....  | 4            |
| Election result .....  | 4            |
| Election expenditure .....   | 5            |
| Positive feedback .....  | 5            |
| <b>Overview of the Albert Park District and Williamstown District by-elections</b> . | <b>6</b>     |
| By-elections timetable .....   | 6            |
| Voter turnout .....  | 7            |
| By-elections results .....   | 7            |
| By-elections expenditure .....   | 7            |
| <b>Electoral landscape</b> .....   | <b>7</b>     |
| Government legislation .....   | 7            |
| Stakeholders .....   | 8            |
| <i>Victorian Electoral Commission</i> .....  | 8            |
| <i>Political parties and candidates</i> .....  | 9            |
| <i>Electors</i> .....  | 10           |
| <i>Media, researchers and psephologists</i> .....                                    | 10           |
| <b>Conduct of inquiry</b> .....  | <b>11</b>    |
| <i>Inquiry process</i> .....   | 11           |
| <i>Feedback on inquiry</i> .....   | 12           |
| <b>Report outline</b> .....  | <b>13</b>    |

|  |           |
|--|-----------|
| Chapter Two: Victorian Electoral Commission .....                        | 15        |
| <b>The role of the VEC.....</b>  | <b>15</b> |
| VEC's relationship with the EMC .....                                    | 15        |
| Duplication of electoral administration .....                            | 15        |
| Review of the VEC's operations.....                                      | 17        |
| <b>Personnel .....</b>   | <b>18</b> |
| Staff recruitment.....   | 18        |
| Staff retention .....  | 19        |
| Staff training.....  | 20        |
| Staff management of electoral districts .....                            | 22        |
| Indigenous staff.....  | 22        |
| Multilingual staff .....   | 23        |
| Staff with a disability .....  | 25        |
| <br>Chapter Three: Enrolment and engagement – Part A.....                | <br>27    |
| <b>Overview of communication strategies .....</b>                        | <b>27</b> |
| 2006 Victorian state election .....                                      | 27        |
| Albert Park District and Williamstown District by-elections .....        | 30        |
| Concerns associated with the 2010 Victorian state election .....         | 30        |
| <b>Overview of enrolment trends and issues .....</b>                     | <b>31</b> |
| New enrolment initiatives .....  | 31        |
| 2006 Victorian state election .....                                      | 31        |
| Albert Park District and Williamstown District by-elections .....        | 31        |
| Enrolment participation rate .....                                       | 31        |
| Concerns associated with enrolment of voters for federal elections ..... | 32        |
| <b>Electoral roll .....</b>  | <b>34</b> |
| Maintaining an accurate electoral roll.....                              | 34        |
| Close of roll: Victorian state elections .....                           | 35        |
| Public access to the electoral roll.....                                 | 36        |
| <b>Engaging communities .....</b>  | <b>37</b> |
| Young persons.....   | 38        |
| <i>Definition .....</i>  | <i>38</i> |
| <i>Demographic information .....</i>                                     | <i>39</i> |
| <i>Enrolment.....</i>  | <i>39</i> |
| <i>Electoral education.....</i>  | <i>41</i> |
| <i>Information in accessible formats .....</i>                           | <i>43</i> |
| <i>Optional voting for 16 and 17 year olds.....</i>                      | <i>46</i> |
| Older persons .....  | 49        |
| <i>Definition .....</i>  | <i>49</i> |
| <i>Demographic information .....</i>                                     | <i>49</i> |
| <i>Utilisation of community service providers.....</i>                   | <i>50</i> |
| <i>Information in accessible formats .....</i>                           | <i>50</i> |
| <i>Exemption of voters.....</i>  | <i>51</i> |

|   |           |
|---|-----------|
| Persons with poor literacy skills .....                               | 52        |
| <i>Definition</i> .....   | 52        |
| <i>Demographic information</i> .....                                  | 52        |
| <i>Information in accessible formats</i> .....                        | 53        |
| Chapter Four: Enrolment and engagement – Part B .....                 | 57        |
| <b>Engaging communities (continued)</b> .....                         | <b>57</b> |
| Indigenous persons .....  | 57        |
| <i>Definition</i> .....   | 57        |
| <i>Demographic information</i> .....                                  | 58        |
| <i>Enrolment</i> .....  | 59        |
| <i>Electoral education</i> .....                                      | 60        |
| <i>Information in accessible formats</i> .....                        | 61        |
| <i>Indigenous communications officer</i> .....                        | 62        |
| <i>Data collection</i> .....  | 63        |
| <i>Quota of Indigenous people in the Parliament of Victoria</i> ..... | 64        |
| Culturally and linguistically diverse communities .....               | 64        |
| <i>Definition</i> .....   | 64        |
| <i>Demographic information</i> .....                                  | 65        |
| <i>VEC Strategic Action Plan</i> .....                                | 65        |
| <i>Electoral education</i> .....                                      | 65        |
| <i>Information in accessible formats</i> .....                        | 66        |
| New and emerging communities .....                                    | 69        |
| <i>Definition</i> .....   | 69        |
| <i>Demographic information</i> .....                                  | 69        |
| <i>Enrolment</i> .....  | 70        |
| <i>Electoral education</i> .....                                      | 71        |
| <i>Information in accessible formats</i> .....                        | 71        |
| New citizens .....  | 73        |
| <i>Definition</i> .....   | 73        |
| <i>Demographic information</i> .....                                  | 73        |
| <i>Enrolment</i> .....  | 74        |
| <i>Electoral education</i> .....                                      | 75        |
| Persons with disabilities.....  | 76        |
| <i>Definition</i> .....   | 76        |
| <i>Demographic information</i> .....                                  | 76        |
| <i>VEC Disability Action Plan 2008-2011</i> .....                     | 77        |
| <i>Information in accessible formats</i> .....                        | 78        |
| <i>Assistance with enrolment</i> .....                                | 79        |
| <i>Attitudes and understandings of carers and the public</i> .....    | 79        |
| <i>Unsound mind</i> .....   | 81        |

|  |            |
|--|------------|
| Persons experiencing homelessness.....   | 83         |
| <i>Definition</i> .....  | 83         |
| <i>Demographic information</i> .....   | 83         |
| <i>Enrolment</i> .....   | 83         |
| <i>Electoral education</i> .....   | 85         |
| Prisoners.....   | 85         |
| <i>Definition</i> .....  | 85         |
| <i>Demographic information</i> .....   | 86         |
| <i>Voting eligibility</i> .....  | 86         |
| <b>EMC’s future research direction</b> .....   | <b>89</b>  |
| Automatic enrolment .....  | 89         |
| Election day registration.....   | 91         |
| <br>Chapter Five: Administrative aspects of political parties .....  | <br>93     |
| <b>Registration of political parties</b> .....   | <b>93</b>  |
| Political party registration arrangements.....   | 93         |
| The “500 rule” and the “no overlap rule” .....   | 94         |
| Registration of People Power .....   | 98         |
| <b>Nominations</b> .....   | <b>101</b> |
| Nomination arrangements.....   | 101        |
| 2006 Victorian state election.....   | 101        |
| Albert Park District and Williamstown District by-elections .....  | 103        |
| Nomination of independent candidates.....  | 103        |
| <b>Party involvement in postal voting</b> .....  | <b>104</b> |
| <b>Campaigning at voting centres</b> .....   | <b>106</b> |
| Mobile voting centres .....  | 106        |
| Occupational health and safety issues.....   | 107        |
| <i>2006 Victorian state election</i> .....   | 107        |
| <i>Albert Park District and Williamstown District by-elections</i> .....   | 108        |
| <b>Bribery</b> .....   | <b>109</b> |
| <b>Funding and disclosure</b> .....  | <b>111</b> |
| Overview .....   | 111        |
| Disclosure of political donations.....   | 113        |
| Limits on contributions, donations and loans .....   | 114        |
| Disclosure of expenditure schemes .....  | 116        |
| Campaign expenditure limits.....   | 116        |
| Public funding .....   | 117        |
| Ban on contributions from entities having contracts or tendering for contracts with the Victorian Government ..... | 120        |
| Government advertising.....  | 120        |
| Lobbying .....   | 121        |
| Establishment of a Parliamentary Standards Commissioner .....  | 122        |

|  |            |
|--|------------|
| Chapter Six: Electoral material.....                                     | 125        |
| <b>How to vote cards.....</b>  | <b>125</b> |
| Registration of how to vote cards .....                                  | 125        |
| <i>2006 Victorian state election</i> .....                               | 125        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 127        |
| Access to how to vote cards at mobile voting centres .....               | 127        |
| How to vote cards in Easy-English .....                                  | 128        |
| How to vote cards in languages other than English .....                  | 129        |
| Environmental concerns .....   | 130        |
| <b>Group voting tickets.....</b>   | <b>132</b> |
| Registration of group voting tickets.....                                | 132        |
| Locating group voting tickets on the VEC website .....                   | 134        |
| Display of group voting tickets on election day .....                    | 135        |
| Abolition of group voting tickets .....                                  | 138        |
| <b>Ballot papers.....</b>  | <b>139</b> |
| Easy-English and ballot paper design.....                                | 139        |
| Distribution of Legislative Council ballot papers .....                  | 141        |
| Candidate's position on ballot papers .....                              | 142        |
| Above-the-line voting provision.....                                     | 145        |
| <b>Authorisation of electoral campaign matter.....</b>                   | <b>146</b> |
| <b>Misleading and deceptive behaviour .....</b>                          | <b>147</b> |
| 2006 Victorian state election.....                                       | 147        |
| Albert Park District and Williamstown District by-elections .....        | 147        |
| Endorsement of candidates .....  | 147        |
| Chapter Seven: Voting centres and voting .....                           | 149        |
| <b>Voting centres.....</b>   | <b>149</b> |
| Early voting centres .....   | 149        |
| <i>2006 Victorian state election</i> .....                               | 149        |
| <i>Operating hours</i> .....   | 149        |
| <i>Electors with special circumstances</i> .....                         | 149        |
| <i>Airports</i> .....  | 150        |
| <i>Location of early voting centres</i> .....                            | 150        |
| <i>Advertising early voting centres</i> .....                            | 151        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 151        |
| Mobile voting centres.....   | 151        |
| <i>2006 Victorian state election</i> .....                               | 151        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 152        |
| Interstate and overseas voting centres .....                             | 153        |
| <i>2006 Victorian state election</i> .....                               | 153        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 153        |



|  |            |
|--|------------|
| Joint voting centres .....   | 153        |
| <i>2006 Victorian state election</i> .....                               | 153        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 154        |
| Ordinary election day voting centres .....                               | 155        |
| <i>2006 Victorian state election</i> .....                               | 155        |
| <i>Advertising of voting centres</i> .....                               | 155        |
| <i>Queues</i> .....  | 155        |
| <i>Wheelchair access</i> .....   | 158        |
| <i>Parking and transport</i> .....                                       | 160        |
| <i>Rural voting centres</i> .....  | 163        |
| <i>Multilingual information</i> .....                                    | 164        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 164        |
| <i>Wheelchair access</i> .....   | 165        |
| <i>Parking</i> .....   | 165        |
| <b>Voting</b> .....  | <b>165</b> |
| Voter participation trends .....   | 165        |
| The “three month rule” .....   | 167        |
| Postal voting .....  | 168        |
| <i>2006 Victorian state election</i> .....                               | 168        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 169        |
| Early voting .....   | 170        |
| <i>2006 Victorian state election</i> .....                               | 170        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 171        |
| Mobile voting .....  | 171        |
| <i>2006 Victorian state election</i> .....                               | 171        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 171        |
| Absent voting .....  | 171        |
| <i>2006 Victorian state election</i> .....                               | 171        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 171        |
| Homeless voting .....  | 172        |
| Assisted voting.....   | 173        |
| Interstate and overseas voting .....                                     | 174        |
| <i>2006 Victorian state election</i> .....                               | 174        |
| <i>Albert Park District and Williamstown District by-elections</i> ..... | 175        |
| Ordinary voting.....   | 175        |
| Fraudulent voting .....  | 175        |
| Voting enforcement.....  | 177        |
| Chapter Eight: Electronic voting .....                                   | 181        |
| <b>Electronic voting at the 2006 Victorian state election</b> .....      | <b>181</b> |
| Background.....  | 181        |
| Software and technology .....  | 182        |
| Voters’ experience of electronic voting .....                            | 183        |
| Voter turnout .....  | 184        |

|   |            |
|---|------------|
| Secret ballot.....  | 186        |
| Paper ballots and verification procedures.....                                | 186        |
| <b>Electronic voting: Where to next?.....</b>                                 | <b>187</b> |
| Expansion of electronic voting.....   | 187        |
| Potential to reduce informality.....  | 189        |
| Software development associated with expansion of service.....                | 189        |
| Administrative concerns.....  | 190        |
| Further research and consultation.....  | 191        |
| <b>Remote electronic voting.....</b>  | <b>192</b> |
| <br>Chapter Nine: Counting the votes.....                                     | <br>195    |
| <b>Scrutiny of declarations.....</b>  | <b>195</b> |
| Declaration votes.....  | 195        |
| Postal vote declarations postmarked “Sunday”.....                             | 196        |
| Witness on postal vote declarations.....                                      | 197        |
| General postal voters.....  | 199        |
| <b>Scrutiny of votes.....</b>   | <b>200</b> |
| Insufficient scrutineers.....   | 200        |
| Access to polling data.....   | 202        |
| Conduct of scrutineers.....   | 203        |
| <b>Calculation of votes – Legislative Assembly.....</b>                       | <b>203</b> |
| Slowness of count in some Legislative Assembly Districts.....                 | 204        |
| Two-candidate-preferred count.....  | 205        |
| <b>Calculation of votes – Legislative Council.....</b>                        | <b>206</b> |
| Details of region count.....  | 208        |
| Northern Metropolitan region count.....                                       | 209        |
| <i>Description of the Northern Metropolitan region count and recount.....</i> | <i>210</i> |
| <i>Analysis of the Northern Metropolitan region count.....</i>                | <i>211</i> |
| Batching procedures.....  | 212        |
| Data-entry procedures.....  | 213        |
| <i>Scrutiny of electronic election counts.....</i>                            | <i>213</i> |
| <i>Comments about the VEC’s counting software and algorithm.....</i>          | <i>214</i> |
| <i>Election reporting for results and auditing.....</i>                       | <i>214</i> |
| <i>The VEC’s response.....</i>  | <i>214</i> |
| <i>Data-entry operators.....</i>  | <i>215</i> |
| <i>Computer-count application.....</i>  | <i>215</i> |
| <i>Scanning technologies.....</i>   | <i>215</i> |
| Calculation of surplus value.....   | 217        |
| Segmentation of count.....  | 217        |
| <b>Casual vacancies between elections.....</b>                                | <b>219</b> |
| Legislative Assembly.....   | 219        |
| Legislative Council.....  | 220        |

|  |            |
|--|------------|
| <b>Informal voting</b> .....   | <b>221</b> |
| Formal and informal voting .....   | 221        |
| Incidence of informal voting at the 2006 Victorian state election .....                              | 223        |
| <i>Informal voting for the Legislative Assembly</i> .....  | 223        |
| <i>Informal voting for the Legislative Council</i> .....   | 224        |
| The VEC’s informal voting survey .....   | 224        |
| Issues related to informal voting at the 2006 Victorian state election.....                          | 224        |
| <i>Interpreting the formality of some Legislative Council ballots</i> .....                          | 224        |
| Incidence of informal voting at the Albert Park District and Williamstown District by-elections..... | 226        |
| <br>Chapter Ten: Communicating the results .....   | <br>227    |
| <b>Victorian state tally room</b> .....  | <b>227</b> |
| Future of the Victorian state tally room .....   | 227        |
| The National tally room .....  | 229        |
| Other state tally rooms in Australia .....   | 230        |
| EMC’s view .....   | 231        |
| <b>VEC’s Report to Parliament on the 2006 Victorian state election</b> .....                         | <b>231</b> |
| <b>VEC and the media</b> .....   | <b>234</b> |
| Pre-election consultation between the VEC and media stakeholders.....                                | 234        |
| Publication of provisional Legislative Council results .....   | 235        |
| Full declaration of results for the Legislative Council .....  | 236        |
| Publication of post-election results.....  | 237        |
| <i>Regular website updates</i> .....   | 237        |
| <i>Two-party preferred figures</i> .....   | 237        |
| <br>Chapter Eleven: Conclusion.....  | <br>239    |
| <b>Democratic principles</b> .....   | <b>239</b> |
| <b>The inquiry’s focus</b> .....   | <b>239</b> |
| <b>EMC’s strategic direction</b> .....   | <b>240</b> |
| Political finance laws.....  | 241        |
| Voter participation and informal voting.....   | 241        |
| Mapping of stakeholder networks .....  | 242        |
| <b>Concluding remarks</b> .....  | <b>242</b> |
| <b>Bibliography</b> .....  | <b>243</b> |
| <b>Appendix One: List of submissions</b> .....   | <b>263</b> |
| <b>Appendix Two: List of exhibits</b> .....  | <b>265</b> |
| <b>Appendix Three: List of witnesses</b> .....   | <b>267</b> |
| <b>Appendix Four: List of site visits</b> .....  | <b>269</b> |

## Committee Members

Mr Adem Somyurek MLC (Chair)

Mr Michael O'Brien MP (Deputy Chair)

Ms Candy Broad MLC

Hon Christine Campbell MP

Mr Peter Hall MLC (1 March 2007 to 10 June 2008)

Mr Robin Scott MP

Mr Murray Thompson MP

Mr Philip Davis MLC (from 10 June 2008)

## Staff

Executive Officer: Mr Mark Roberts

Research Officer: Dr Natalie Wray

Committee Administration  
Officer: Mr Nathaniel Reader

Ms Felicity Lane (July to September 2007)



# Electoral Matters Committee

## Committee contact details

|            |   |
|------------|---|
| Address:   | Parliament House<br>Spring Street<br>East Melbourne Victoria 3002                       |
| Telephone: | (03) 8682 2885  |
| Facsimile: | (03) 8682 2858  |
| Email:     | <a href="mailto:emc@parliament.vic.gov.au">emc@parliament.vic.gov.au</a>                |
| Internet:  | <a href="http://www.parliament.vic.gov.au/emc">http://www.parliament.vic.gov.au/emc</a> |



# Terms of Reference

That under section 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committee specified:

To the Electoral Matters Committee — for inquiry, consideration and report no later than 30 June 2008 on the conduct of the 2006 Victorian state election and matters related thereto.

Votes and Proceedings of the Legislative Assembly of Victoria.

No. 8 — Thursday, 1 March 2007.





# Acknowledgements

The Electoral Matters Committee wishes to acknowledge the contribution of parliamentary colleagues and Parliamentary Counsel.

The Electoral Matters Committee would also like to thank Mignon Turpin for her editing work and Deborah Friedrich of QBee Design for the cover design.



## Chair's Foreword

The Electoral Matters Committee (EMC) is pleased to present this report on the conduct of the 2006 Victorian state election and matters related thereto, an inquiry referred to it by the Legislative Assembly on 1 March 2007. As part of the inquiry, the EMC also included commentary on the Albert Park District and Williamstown District by-elections held on 15 September 2007.

On behalf of the EMC, I would like to thank all those that provided submissions and appeared before the Committee. The EMC was heartened by the range of persons who participated in the inquiry, especially as the EMC was able to hear diverse perspectives from representatives of young people, older people, Indigenous people, people from culturally and linguistically diverse backgrounds, people from new and emerging communities, people experiencing homelessness and people with disabilities. The interest displayed by the Victorian Electoral Commission (VEC), registered political parties, candidates, psephologists, political commentators, lobby groups and interested individuals also indicated to the EMC that stakeholders engaged with the inquiry.

As part of its inquiry, the EMC has considered a number of pertinent issues which were raised in submissions and public hearings by stakeholders. In response to the evidence, the EMC has made a number of recommendations to build on Victoria's strong track record in electoral administration.

As this was the first inquiry undertaken by the EMC I believe that the Committee members and the Secretariat have worked tremendously well together to develop a healthy working relationship. I would like to thank the Deputy Chair and fellow Committee members for their enthusiasm and genuine interest in reviewing the conduct of the 2006 Victorian state election. Throughout the inquiry, Committee members actively engaged with stakeholders and gave thoughtful consideration to the evidence gathered. Given that the issue of elections has a political flavour, it was pleasing to see the members of the EMC working so well together to deliver this report.

I would also like to thank the EMC Secretariat for producing a high quality report. As a new committee, I appreciate the speed and enthusiasm with which the EMC Secretariat developed a comprehensive understanding of the Victorian electoral landscape. I would like to acknowledge the leadership provided by the EMC Secretariat's Executive Officer, Mr Mark Roberts. Mr Roberts has worked for the Parliament of Victoria for many years and brings a wealth of knowledge about parliamentary procedure which has been critical to the establishment of the Committee and the success of the inquiry. Dr Natalie Wray was the principal researcher for this inquiry and I would like to commend Dr Wray on her significant contribution to the report. Mr Nathaniel Reader also provided exemplary administrative and research assistance to the EMC. Finally, I would also like to thank Ms Felicity Lane who assisted the EMC Secretariat between July-September 2007.

The evidence presented in this report clearly demonstrates the benefits of regular scrutiny of parliamentary elections in Victoria, including increasing the transparency and accountability of the conduct of Victorian state elections. I believe the recommendations presented by the EMC will enhance electoral administration and voter participation in Victoria.

Adem Somyurek MLC

Chair

Electoral Matters Committee

June 2008

# List of Recommendations

Recommendation 2.1: The Victorian Electoral Commission continue liaising with the Australian Electoral Commission to minimise duplication of roles and responsibilities.

Recommendation 2.2: The Victorian Electoral Commission considers conducting an audit of its election workforce planning, including a review of the roles, responsibilities and training requirements of its election staff, with the view to achieving efficient and effective outcomes for the 2010 Victorian state election.

Recommendation 2.3: The Victorian Electoral Commission considers consulting with Aboriginal Affairs Victoria to inform its development of a targeted strategy to recruit more Indigenous staff to work as election officials, particularly where there are established Indigenous communities.

Recommendation 2.4: The Victorian Electoral Commission considers implementing a more systematic approach to the recruitment of multilingual staff for the 2010 Victorian state election. Consideration should be given to aligning the appointment of multilingual staff with the predominant ethnic composition/community languages spoken in electorates.

Recommendation 3.1: For the 2010 Victorian state election, the Victorian Electoral Commission considers collaborating with the Australian Electoral Commission to educate Victorian electors about the differences between state and Commonwealth voting systems.

Recommendation 3.2: In relation to public access of the electoral roll, the Victorian Electoral Commission should note the importance of complying with and enforcing the provisions of the *Electoral Act 2002*.

Recommendation 3.3: The Victorian Electoral Commission considers investigating the feasibility of introducing SMS text enrolment.

Recommendation 3.4: Victoria's Department of Education and Early Childhood Development inform the Electoral Matters Committee about the capacity to strengthen compulsory electoral education in secondary schools (pre-VCE).

Recommendation 3.5: For the 2010 Victorian state election, the Victorian Electoral Commission considers advertising electoral education material on youth radio stations.

Recommendation 3.6: The Parliament of Victoria's Education Office considers including a summary of the Parliament's activities on its website and liaising with print media outlets about the inclusion of a weekly legislative report in a major Victorian newspaper.

Recommendation 3.7: The Victorian Electoral Commission considers establishing relationships with community service providers to assist with the distribution of electoral information to older persons.

Recommendation 3.8: The Victorian Electoral Commission considers conducting electoral education for older persons and distribute brochures at planned activity groups and senior citizen centres.

Recommendation 3.9: The Victorian Electoral Commission considers publishing its key electoral information and resources in accessible formats and Easy-English.

Recommendation 3.10: The Victorian Electoral Commission considers investigating simplifying the current enrolment form.

Recommendation 4.1: In consultation with Indigenous organisations and communities, the Victorian Electoral Commission considers liaising with the Australian Electoral Commission to develop electoral education for Indigenous people in Victoria.

Recommendation 4.2: The Victorian Electoral Commission considers engaging well-known Indigenous persons to raise awareness about enrolment and voting among their communities.

Recommendation 4.3: The Victorian Electoral Commission considers investigating the impact of television advertising on improving Indigenous electors' knowledge of upcoming state elections and considers strategic placement of community television announcements during Aboriginal and Torres Strait Islander lifestyle and current affairs programs.

Recommendation 4.4: The Victorian Electoral Commission considers liaising with the Australian Bureau of Statistics to investigate improving data collection on Indigenous enrolment.

Recommendation 4.5: The Victorian Electoral Commission considers recruiting bilingual workers to conduct electoral education with culturally and linguistically diverse communities.

Recommendation 4.6: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with culturally and linguistically diverse communities in accessible venues.

Recommendation 4.7: The Victorian Electoral Commission continues to build and sustain relationships with relevant culturally and linguistically diverse community organisations about communication strategies and electoral information provision.

Recommendation 4.8: For the 2010 Victorian state election, the Victorian Electoral Commission considers running frequent and lengthier advertisements and information sessions on television, newspapers, and radio popular with culturally and linguistically diverse communities about correct voting methods, where to vote, voting rights and responsibilities.

Recommendation 4.9: The Victorian Electoral Commission continues translating its key electoral information and resources in relevant community languages and Easy-English.

Recommendation 4.10: The Victorian Electoral Commission considers piloting its translated resources with the relevant communities to assess the appropriateness of translations.

Recommendation 4.11: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with new and emerging communities in accessible venues.

Recommendation 4.12: The Victorian Electoral Commission considers recruiting bilingual workers to conduct electoral education with new and emerging communities.

Recommendation 4.13: The Victorian Electoral Commission considers translating its key electoral information and resources in new and emerging community languages and providing resources in accessible formats.

Recommendation 4.14: The Victorian Electoral Commission considers translating key electoral information and resources in accessible formats for people with disabilities.

Recommendation 4.15: The Victorian Electoral Commission continues to build and sustain relationships with relevant community organisations about communication strategies and electoral information provision for people with disabilities.

Recommendation 4.16: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with health professionals, residential care workers and carers of people with disabilities.

Recommendation 4.17: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with people experiencing homelessness and staff of homeless organisations in accessible venues.

Recommendation 4.18: For the 2010 Victorian state election, the Victorian Electoral Commission considers promoting electoral participation in transitional housing and crisis accommodation centres.

Recommendation 5.1: The Victorian Government considers amending the *Electoral Act 2002* to provide different registration requirements for parliamentary parties and non-parliamentary parties in line with the Commonwealth electoral provisions.

Recommendation 5.2: The Victorian Electoral Commission considers reviewing the “Victorian Electoral Commission confirmation party membership form”.

Recommendation 5.3: The Victorian Electoral Commission considers publishing on its website the register of political parties in Victoria and their respective office holders.

Recommendation 5.4: The Victorian Electoral Commission considers developing guidelines about the structure and content of party constitutions to be provided to political parties upon application for registration.



Recommendation 5.5: The Victorian Electoral Commission considers extending Occupational Health and Safety training to Voting Centre Managers and Assistant Voting Centre Managers and include within this training discussions of how to manage enforcing the “3 metre rule” when party staff and volunteers are handing out how to vote cards during extreme weather conditions.

Recommendation 5.6: The Victorian Government considers amending the *Electoral Act 2002* to enable Election Managers to vary the provision so that how to vote cards can be handed out within 3 metres of the voting centre during extreme weather conditions.

Recommendation 5.7: The Victorian Government considers including an electoral treating provision in the *Electoral Act 2002* to provide candidates with clear rules about bribery.

Recommendation 5.8: The Parliament of Victoria informs members at the induction program and “refresher” seminars what constitutes bribery and how to report an incident of bribery.

Recommendation 5.9: The Victorian Electoral Commission considers incorporating the relevant extract on bribery from the *Electoral Act 2002* in the Victorian Electoral Commission’s candidate’s handbook.

Recommendation 6.1: The Victorian Electoral Commission considers the ramifications of the legislative requirement associated with the registration of how-to-vote cards, in particular the discretionary powers given to the Election Manager.

Recommendation 6.2: The Victorian Government considers amending the *Electoral Act 2002* to enable electors at mobile voting centres to request their own copies of how to vote cards.

Recommendation 6.3: The Victorian Electoral Commission considers implementing a recycling strategy for the 2010 Victorian state election, which may include:

- Reviewing the current system of paper recycling for all voting centres and districts;
- Assessing where cardboard collection boxes or wheelie bins are required during the election period; and
- Providing an improved paper recycling service, including cardboard collection boxes and wheelies bins, across voting centres in Victoria.

Recommendation 6.4: The Victorian Government considers amending the *Electoral Act 2002* so that groups that register under section 69A of the *Electoral Act 2002* must lodge a group voting ticket.

Recommendation 6.5: The Victorian Electoral Commission considers ensuring that group voting tickets published on its website are both in a prominent location and easily accessible.

Recommendation 6.6: The Victorian Electoral Commission ensures that election day voting centres prominently display group voting tickets at the 2010 Victorian state election.

Recommendation 6.7: The Victorian Government considers amending the *Electoral Act 2002* to require group voting tickets to be prominently displayed at all voting centres.

Recommendation 6.8: The Victorian Electoral Commission considers investigating simplifying the ballot paper designs for the Legislative Assembly and the Legislative Council.

Recommendation 6.9: The Victorian Government considers amending section 83(3) of the *Electoral Act 2002* so that electoral matter, which is in the form of a letter and bears the name and street address of the sender does not need to contain an authorised and printed by tag.

Recommendation 7.1: The Victorian Electoral Commission considers allowing electors from the electorate to vote at mobile voting centres where convenient.

Recommendation 7.2: The Victorian Electoral Commission considers reducing the number of joint voting centres at the 2010 Victorian state election.

Recommendation 7.3: The Victorian Electoral Commission continues liaising with community and disability organisations and Victoria's Department of Education and Early Childhood Development to locate and lease fully wheelchair accessible voting centres for major electoral events.

Recommendation 7.4: The Victorian Electoral Commission considers liaising with Members of Parliament, Access for All Abilities Co-ordinators and Rural Access/Metro Access Officers to assist with the review, monitoring and acquisition of suitable locations and facilities for voting centres.

Recommendation 7.5: The Victorian Government considers liaising with the Australian Government to progress the inclusion of the "Disability Standards for Access to Premises" (Premises Standard) into the *Building Code of Australia 1996*.

Recommendation 7.6: The Victorian Electoral Commission considers including parking and public transport accessibility as part of its access audit for voting centres.

Recommendation 7.7: The Victorian Electoral Commission considers maintaining voting centres in the smaller communities of rural Victoria.

Recommendation 7.8: The Victorian Electoral Commission considers developing a poster in languages other than English informing electors that written electoral information is available in 19 languages. The poster should be displayed at all voting centres during the election period.

Recommendation 7.9: The Victorian Electoral Commission considers expanding mobile voting services for people experiencing homelessness at the 2010 Victorian state election.

Recommendation 7.10: The Victorian Electoral Commission considers liaising with Australian embassies overseas, particularly in the United States of America, to progress workable procedural guidelines for future state elections which will facilitate the timely delivery of election materials.

Recommendation 8.1: To guarantee the integrity and secrecy of each voter's ballot, the Victorian Electoral Commission considers alternative methods of reporting the votes from e-centres for the 2010 Victorian state election.

Recommendation 8.2: The Victorian Government considers amending the *Electoral Act 2002* to expand electronic voting to the print disabled community which includes people with motor impairments, people with poor English language skills and people who are illiterate in English.

Recommendation 8.3: Further e-voting trials be conducted at future Victorian state elections.

Recommendation 9.1: The Victorian Government considers amending the *Electoral Act 2002* to include clearer provisions for how to manage postal vote declarations which are postmarked "Sunday".

Recommendation 9.2: The Victorian Electoral Commission considers providing a postal ballot paper tracking service at future Victorian state elections.

Recommendation 9.3: The Victorian Government considers including in the *Electoral Act 2002* a provision that the Victorian Electoral Commission conducts two candidate preferred preference distributions for each polling booth in every Legislative Assembly District at Victorian state elections.

Recommendation 9.4: The Victorian Electoral Commission considers pre-sorting ballot papers into batches of first preferences for Legislative Council counts.

Recommendation 10.1: The state tally room is retained for the 2010 Victorian state election.

Recommendation 10.2: The Victorian Electoral Commission considers ways to reinvigorate interest in the tally room, whether through a new venue and or an increased public awareness campaign.

Recommendation 10.3: The Victorian Government considers removing the annual reporting requirement of the Victorian Electoral Commission from the *Financial Management Act 1994* and inserting this reporting requirement into the *Electoral Act 2002* with the express provision that the report is presented directly to the two Presiding Officers of the Parliament, for presentation to Parliament.

Recommendation 10.4: The Victorian Electoral Commission considers publishing booth-by-booth data for future Legislative Council elections.

Recommendation 10.5: The Victorian Electoral Commission considers the publication of two-party preferred results as a matter of priority after the declaration of the poll, at future Victorian state elections.

# List of Tables and Figures

## List of Tables

|  |     |
|--|-----|
| Table 1.1: 2006 Victorian state election timetable .....   | 4   |
| Table 1.2: Financial costs associated with the conduct of 2006 Victorian state election .....  | 5   |
| Table 1.3: 2006 Albert Park District and Williamstown District by-elections timetable .  | 6   |
| Table 1.4: Number of candidates at the 2006 Victorian state election .....   | 9   |
| Table 1.5: Number of candidates at the Albert Park District and Williamstown District by-elections.....  | 10  |
| Table 3.1: Phases of advertising and education campaign.....   | 27  |
| Table 3.2: Effectiveness of communication strategies for the 2006 Victorian state election .....   | 29  |
| Table 3.3: Number of enrolments processed by the VEC in lead up to 2006 Victorian state election.....  | 35  |
| Table 3.4: Enrolments processed from the issue of the writ to the close of the roll ...  | 36  |
| Table 3.5: Provisional enrolment by state, 2001, 2003, 2004 .....  | 40  |
| Table 3.6: Computer and internet use of adults aged 55 years or over .....   | 51  |
| Table 4.1: Summary of arrivals from new and emerging communities 1997-2007 ....  | 70  |
| Table 4.2: The top 10 countries of former nationality or citizenship in 2006-2007 .....  | 73  |
| Table 4.3: Disability status by sex and age – Victoria – 2003.....   | 77  |
| Table 4.4: Disentitlement of prisoners by state, territory and Commonwealth .....  | 87  |
| Table 5.1: Candidates at recent Victorian state elections .....  | 102 |
| Table 5.2: Comparison of the candidates at the 2006 Victorian state election and Albert Park District and Williamstown District by-elections ..... | 103 |
| Table 5.3: Expenditure disclosure schemes of various countries .....   | 116 |
| Table 5.4: Public funding for Victorian elections .....  | 118 |
| Table 7.1: Summary of costs associated with non-voter follow-up .....  | 178 |
| Table 9.1: Differences between “suggested” procedure and “current” procedure....   | 218 |

## List of Figures

|   |     |
|---|-----|
| Figure 3.1: Easy Vote Card .....  | 28  |
| Figure 3.2: Symbol used to represent documents in Easy-English. ....            | 55  |
| Figure 6.1: Sample of the matrix .....  | 137 |
| Figure 7.1: Participation rates for Victorian state elections – 1992-2006 ..... | 166 |

# Abbreviations

|       |  |
|-------|--|
| ACFE  | Adult Community and Further Education            |
| ACT   | Australian Capital Territory                     |
| ADEC  | Action on Disabilities within Ethnic Communities |
| AEC   | Australian Electoral Commission                  |
| ALP   | Australian Labor Party                           |
| AMES  | Adult Multicultural Educational Services         |
| CAE   | Centre for Adult Education                       |
| CALD  | Culturally and linguistically diverse            |
| DFLE  | Disability Free Life Expectancy                  |
| DLP   | Democratic Labor Party                           |
| EDR   | Election Day Registration                        |
| ECCV  | Ethnic Communities' Council of Victoria          |
| EMC   | Electoral Matters Committee                      |
| EVC   | Early Voting Centre                              |
| GPV   | General Postal Voter                             |
| GVT   | Group Voting Ticket                              |
| HTV   | How to Vote                                      |
| ICR   | Intelligent Character Recognition                |
| JSCEM | Joint Standing Committee on Electoral Matters    |
| JVC   | Joint Voting Centre                              |
| MECC  | Melbourne Exhibition and Convention Centre       |
| MEEC  | Melbourne Electoral Education Centre             |
| MET   | Municipal Elections Tribunal                     |
| NESB  | Non-English Speaking Background                  |
| NTR   | National Tally Room                              |

|         |  |
|---------|--|
| OECD    | Organisation for Economic Co-operation and Development               |
| OH&S    | Occupational Health & Safety   |
| PAEC    | Public Accounts and Estimates Committee                              |
| PR      | Proportional Representation  |
| PRSAV-T | Proportional Representation Society of Australia (Victoria-Tasmania) |
| SARC    | Scrutiny of Acts and Regulations Committee                           |
| SBS     | Special Broadcasting Service   |
| TTY     | Text telephone for the deaf and hearing impaired                     |
| UK      | United Kingdom   |
| UNYA    | United Nations Youth Association                                     |
| USA     | United States of America   |
| VALS    | Victorian Aboriginal Legal Service Co-operative Limited              |
| VCAT    | Victorian Civil and Administrative Tribunal                          |
| VCE     | Victorian Certificate of Education                                   |
| VEC     | Victorian Electoral Commission                                       |
| VGSO    | Victorian Government Solicitor's Office                              |
| VIC     | Victoria   |
| VITS    | Victorian Interpreting and Translating Service                       |
| VTR     | Virtual Tally Room   |
| 2CP     | Two candidate preferred  |

---

# Chapter One: Introduction

On 1 March 2007 the Electoral Matters Committee (EMC) received terms of reference from the Legislative Assembly of Victoria to inquire into the conduct of the 2006 Victorian state election and matters related thereto and report by 30 June 2008. As part of its inquiry, the EMC agreed also to include in its report to Parliament commentary on the Albert Park District and Williamstown District by-elections which were held on 15 September 2007.

This chapter introduces the EMC, discusses its role and responsibilities and provides comparative insight into similar inquiries conducted by Commonwealth and state parliamentary committees. This chapter also provides a contextual background to why the Parliament of Victoria chose to inquire into the conduct of the 2006 Victorian state election and provides an overview of the 2006 Victorian state election and the Albert Park District and Williamstown District by-elections. The chapter concludes with a discussion of the inquiry process and an outline of the chapters comprising the body of this report.

## Responsibilities of the EMC

The EMC is one of twelve Joint Investigatory Committees of the Parliament of Victoria. The functions of the EMC as defined by section 9A of the *Parliamentary Committees Act 2003* are to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

1. The conduct of parliamentary elections and referendums in Victoria;
2. The conduct of elections of Councillors under the *Local Government Act 1989*; and
3. The administration of, or practices associated with, the *Electoral Act 2002* and any other law relating to electoral matters.

The EMC was established in the 55<sup>th</sup> Parliament of Victoria under section 9A of the *Parliamentary Committees Act 2003* although no members were appointed to the EMC, and consequently it did not meet. In the 56<sup>th</sup> Parliament, members were appointed to the EMC and it met for the first time on 26 March 2007.



## A standard for comparison: Similar Commonwealth and state inquiries

To the EMC's knowledge, this is the first comprehensive parliamentary committee inquiry into the conduct of a state election in Victoria. Historically, comprehensive reports tabled in Parliament about Victorian state elections were by the Victorian Electoral Commission (VEC) (or its predecessors) which is required to table a report to Parliament within 12 months of each state election.<sup>1</sup>

Apart from Victoria, currently only the Commonwealth and the states of New South Wales and Queensland have parliamentary committees that are responsible for inquiring into electoral matters. Although it is commonplace for the Commonwealth Parliament's Joint Standing Committee on Electoral Matters (JSCEM) to conduct an inquiry into the conduct of each federal election, the only state parliaments to have inquired into the conduct of state elections include:

- Parliament of New South Wales's JSCEM which reported on the administration of the 2003 and the 2007 New South Wales state elections;<sup>2</sup> and
- Parliament of Queensland's Legal, Constitutional and Administrative Review Committee which reported on issues of Queensland electoral reform arising from the 1998 state election and amendments to the *Commonwealth Electoral Act 1918*.<sup>3</sup>

## Significance of the 2006 Victorian state election

Why did the Parliament of Victoria choose to investigate the conduct of the 2006 Victorian state election and matters related thereto? The 2006 Victorian state election heralded some significant constitutional reforms to Victoria's electoral system including a fixed election day and parliamentary terms and changes to the membership and voting method in the Legislative Council.

---

<sup>1</sup> *Electoral Act 2002* s 8(2)(b).

<sup>2</sup> Parliament of New South Wales, *Inquiry into the administration of the 2003 election and related matters*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2005; Parliament of New South Wales, *Inquiry into the administration of the 2007 NSW election and related matters*, Joint Standing Committee on Electoral Matters (Cherie Burton MP, Chair), Sydney, 2008.

<sup>3</sup> Parliament of Queensland, *Issues of Queensland electoral reform arising from the 1998 state election and amendments to the Commonwealth Electoral Act 1918*, Legal, Constitutional and Administrative Review Committee (Gary Fenlon MLA, Chair), Brisbane, 2000.

## Fixed election day and parliamentary terms

The Victorian state election to elect members for the 56<sup>th</sup> Parliament was held on Saturday, 25 November 2006. It was the first time a state election had been held since the introduction of a fixed election day. Barring exceptional circumstances, future Victorian state elections will be held on:

[T]he last Saturday in November nearest to the fourth anniversary of the election day on which the previous Assembly was elected.<sup>4</sup>

Also, as a result of electoral reform by way of the *Constitution (Parliamentary Reform) Act 2003*, the 2006 Victorian state election was the first state election since the introduction of fixed four-year parliamentary terms.<sup>5</sup> The EMC notes from the Democratic Audit of Australia's electoral reform agenda that the establishment of a fixed election day and fixed parliamentary terms is now considered "modern practice".<sup>6</sup>

## Changes to the Legislative Council

As a consequence of the *Constitution (Parliamentary Reform) Act 2003*, the 2006 Victorian state election saw significant electoral and other changes to the Legislative Council, as follows:

- Introduction of proportional representation voting system;
- Number of members reduced from 44 to 40;
- Number of electorates reduced from 22 electoral provinces (each with two members) to eight electoral regions (each with five members);
- Terms for members reduced from eight years to four years; and
- Introduction of above the line voting method together with optional preferential voting below the line.<sup>7</sup>

It was also the first time there was a "real prospect of a party other than Labor, Liberal and National gaining parliamentary election ... since 1955".<sup>8</sup> Other factors which made this election worthy of investigation were the changes to the closure of the electoral roll and a declining voter turnout.<sup>9</sup>

---

<sup>4</sup> *Electoral Act 2002* s 63(7)(a).

<sup>5</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 18-19.

<sup>6</sup> N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 4.

<sup>7</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 18-19.

<sup>8</sup> C Macdonald, G Gardiner & B Costar, *The 2006 Victorian state election*, Parliament of Victoria, Melbourne, 2007, p. 3.

<sup>9</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 2, 19.

## Overview of the 2006 Victorian state election

### Election timetable

The official election timetable began on 31 October 2006 and closed on 15 December 2006. The most significant change to the timetable was extending the closing date for the electoral roll to seven days after the issue of the writs rather than three days as was previously the case.<sup>10</sup> The following table provides a snapshot of the significant dates:

**Table 1.1: 2006 Victorian state election timetable**

| Date             | Event   |
|------------------|---|
| 31 October 2006  | Expiry of the Legislative Assembly                    |
| 31 October 2006  | Issue of writs  |
| 7 November 2006  | Close of rolls  |
| 9 November 2006  | Close of nominations for registered political parties |
| 10 November 2006 | Close of nominations for independent candidates       |
| 25 November 2006 | Election day  |
| 15 December 2006 | Return of writs                                       |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 18.

### Voter turnout

At the time of the 2006 Victorian state election there were 3,353,845 enrolled electors of whom 3,110,172 voted: this represents a 92.73% voter participation rate. A total of 243,673 electors did not vote.<sup>11</sup>

Compared with the 2002 Victorian state election, voter participation had declined by only 0.5%. Nevertheless, since 1992 the participation rate for Victorian state elections has fallen 2.4% – from 95.1% to 92.7% – signifying a steady decline of 0.5% per election.<sup>12</sup>

### Election result

The Australian Labor Party (ALP) won a third successive Victorian state election and won 55 seats in the Legislative Assembly. In comparison, the

<sup>10</sup> Victorian Electoral Commission, *Submission No. 20*, p. 18.

<sup>11</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>12</sup> Victorian Electoral Commission, *Submission No. 20*, p. 2; C Macdonald, G Gardiner & B Costar, *The 2006 Victorian state election*, Parliament of Victoria, Melbourne, 2007, p. 34.

Liberal Party won 23 seats, The Nationals won nine seats, and one independent candidate was also elected to the Legislative Assembly.<sup>13</sup>

In the Legislative Council the Australian Labor Party lost the majority it had held since the 2002 Victorian state election, winning 19 seats. The Liberal Party won 15 seats and The Nationals two seats. At the 2006 Victorian state election three Australian Greens candidates were elected to the Legislative Council for the first time and a Democratic Labor Party candidate was elected to the Legislative Council after almost a 50 year absence from the Parliament.<sup>14</sup>

## Election expenditure

The VEC reported that the cost of conducting the 2006 Victorian state election was \$29,328,000, which the Electoral Commissioner noted at the public hearing was “within budget”. This amount did not include the public funding of political parties and candidates (\$7,395,000) or insurance (\$66,760) and claims (\$1,827). The average cost per elector was \$8.74 excluding public funding and insurance/claims. Inflation, an increase in the number of electors, Legislative Council electoral reforms, and the trial of electronic voting contributed to the \$5,628,000 increase in the state election budget in 2006.<sup>15</sup> The EMC noted the increasing costs of conducting state elections, as outlined in the table below.

**Table 1.2: Financial costs associated with the conduct of 2006 Victorian state election**

|                    | 2002           | 2006             |
|--------------------|----------------|------------------|
| Cost of election   | \$23.7 million | \$29.328 million |
| Cost per elector   | \$7.34         | \$8.74           |
| Number of electors | 3,228,206      | 3,353,845        |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 22.

## Positive feedback

The EMC noted that commentators and political parties were of the opinion that the VEC conducted the 2006 Victorian state election in a professional and competent manner, as the following comments illustrate:

In most respects the last election operated very smoothly so I do not have any concerns or comments about the way in which the Victorian Electoral Commission

<sup>13</sup> Victorian Electoral Commission, *Submission No. 20*, p. 103.

<sup>14</sup> Victorian Electoral Commission, *Submission No. 20*, p. 103.

<sup>15</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 22-23; S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

conducted the election itself or any matters of the technical operation of the electoral process.<sup>16</sup>

The Liberal Party considers that most aspects of the Election were conducted efficiently and professionally by the Commissioner and his staff.<sup>17</sup>

We believe that the Victorian Electoral Commission conducted the 2006 Victorian [state] election with professionalism, competency and fairness.<sup>18</sup>

## Overview of the Albert Park District and Williamstown District by-elections

The by-elections for the two Legislative Assembly seats of Albert Park and Williamstown were held as a result of the resignations of the Deputy Premier, the Honourable John Thwaites and the Premier of Victoria, the Honourable Steve Bracks respectively.<sup>19</sup>

### By-elections timetable

The Premier of Victoria, the Honourable Steve Bracks and the Deputy Premier, the Honourable John Thwaites resigned on 6 August 2007. The official by-elections timetable began on 20 August 2007 and closed on 6 October 2007. The following table gives the significant dates:

**Table 1.3: 2006 Albert Park District and Williamstown District by-elections timetable**

| Date                        | Event   |
|-----------------------------|---|
| 20 August 2007              | Issue of writs  |
| 27 August 2007              | Close of rolls  |
| 30 August 2007              | Close of nominations for registered political parties |
| 31 August 2007              | Close of nominations for independent candidates       |
| 15 September 2007           | Election day  |
| On or before 6 October 2007 | Return of the writs                                   |

Source: Victorian Electoral Commission, *Submission No. 28*, p. 8.

---

<sup>16</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>17</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 1.

<sup>18</sup> Australian Labor Party (Victorian Branch), *Submission No. 13*, p. 1.

<sup>19</sup> Victorian Electoral Commission, *Submission No. 28*, p. 6.

## Voter turnout

At the time of the by-elections there were in total 83,354 enrolled voters from both the Albert Park District (45,320) and Williamstown District (38,034). The VEC reported that the number of enrolled voters had increased by 1,991 since the 2006 Victorian state election: 1,394 in Albert Park District and 597 in Williamstown District.<sup>20</sup>

The voter participation rates for the by-elections were lower than for the 2006 Victorian state election. Albert Park District had a participation rate of 70.67% at the by-election while at the 2006 Victorian state election it was 85.72%. Similarly, the participation rate for the Williamstown District by-election was 84.93% compared with 91.79% at the 2006 Victorian state election. The participation rates are of concern, especially since the voter participation rate for the Albert Park District by-election was the lowest by-election participation rate in 30 years.<sup>21</sup>

## By-elections results

The Australian Labor Party candidates were elected in both of these by-elections in the Legislative Assembly. The Liberal Party chose not to stand candidates in either of these by-elections.<sup>22</sup>

## By-elections expenditure

The VEC reported that the cost of conducting the Albert Park District and Williamstown District by-elections was \$495,841.<sup>23</sup> This amount did not include the public funding of political parties and candidates (\$75,759). The average cost per elector was \$5.95 excluding public funding and insurance/claims.<sup>24</sup> However, this figure may increase as the VEC is continuing to incur expenses related to enforcement of compulsory voting.<sup>25</sup>

## Electoral landscape

### Government legislation

In Victoria the *Electoral Act 2002* is the principal legislation which provides for the enrolment of voters and conduct of parliamentary elections, as well as stipulating the work of the VEC. The *Constitution Act 1975* sets out “who

<sup>20</sup> Victorian Electoral Commission, *Submission No. 28*, p. 11.

<sup>21</sup> Victorian Electoral Commission, *Submission No. 28*, p. 6.

<sup>22</sup> Victorian Electoral Commission, *Submission No. 28*, p. 6.

<sup>23</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>24</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>25</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

is entitled to enrol as an elector, who is entitled to be elected to Parliament, and the size and term of Parliament".<sup>26</sup>

## Stakeholders

The main stakeholders at the 2006 Victorian state election and the Albert Park District and Williamstown District by-elections included the VEC, electors, political parties and candidates, the media and psephologists.

## Victorian Electoral Commission

Pursuant to the *Electoral Act 2002*, the VEC is responsible for the conduct of fair and impartial parliamentary state elections, by-elections, and referendums as well as local council elections and by-elections (upon appointment by councils) in Victoria. The VEC also provides administrative support to the Electoral Commissioner. The key responsibilities of the VEC are to:

- Conduct parliamentary elections;
- Provide advice to the Attorney-General and Parliament on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy;
- Ensure the enrolment of eligible electors;
- Prepare electoral rolls for parliamentary elections;
- Provide enrolment information to members of Parliament and registered political parties;
- Contribute to greater public understanding and awareness of elections and electoral matters through information and education programs; and
- Report to Parliament on the VEC's activities including the administration of parliamentary state elections and by-elections.<sup>27</sup>

Steve Tully is the Electoral Commissioner of Victoria and Liz Williams is the Deputy Electoral Commissioner of Victoria. As at June 2007, the VEC Head Office had approximately 55 staff members of which 48 are full-time and seven are part-time. During election time, the VEC employs an additional 270 staff members who work as Senior Election Officials and thousands of casual election officials.<sup>28</sup>

The VEC was supported by the staff of the Victorian Government Solicitor's Office (VGSO) who provided timely legal advice and Victoria Police officers

---

<sup>26</sup> Victorian Electoral Commission, *Submission No. 20*, p. 17.

<sup>27</sup> Victorian Electoral Commission, *Submission No. 20*, p. 17.

<sup>28</sup> Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 37.

who provided a discreet police presence at voting centres and the tally room. The VEC also made arrangements with the Victorian Civil and Administrative Tribunal (VCAT) and the Supreme Court to manage applications for review and injunctions.<sup>29</sup>

## Political parties and candidates

There were 12 registered political parties who contested the 2006 Victorian state election. A total of 707 people nominated as candidates: 459 candidates for the Legislative Assembly and 248 candidates for the Legislative Council.<sup>30</sup> The number of candidates nominated by registered political parties (644) and independents (63) are represented in the following table.

**Table 1.4: Number of candidates at the 2006 Victorian state election**

| Political party/Independent  | Number of candidates |
|------------------------------|----------------------|
| Australian Labor Party (ALP) | 128                  |
| Liberal Party                | 125                  |
| Australian Greens            | 124                  |
| Family First                 | 123                  |
| People Power                 | 43                   |
| The Nationals                | 32                   |
| Democratic Labor Party (DLP) | 23                   |
| Citizens Electoral Council   | 15                   |
| Democrats                    | 15                   |
| Christian Democratic Party   | 6                    |
| Country Alliance             | 6                    |
| Socialist Alliance           | 4                    |
| Independents                 | 63                   |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 52.

Five registered political parties contested the Albert Park District and Williamstown District by-elections. A total of 18 people nominated as candidates. The number of candidates nominated by registered political parties (9) and independents (9) are represented in the following table.

<sup>29</sup> Victorian Electoral Commission, *Submission No. 20*, p. 21; Victorian Electoral Commission, *Submission No. 28*, p. 6.

<sup>30</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.



**Table 1.5: Number of candidates at the Albert Park District and Williamstown District by-elections**

| Political party/Independent  | Number of candidates |
|------------------------------|----------------------|
| Australian Labor Party (ALP) | 2                    |
| Australian Greens            | 2                    |
| Family First                 | 2                    |
| Democratic Labor Party (DLP) | 2                    |
| Democrats                    | 1                    |
| Independents                 | 9                    |

Source: Victorian Electoral Commission, *Submission No. 28*, pp. 3-4.

## Electors

As noted earlier, at the close of the electoral roll at 8.00 pm on Tuesday 7 November 2007 there were 3,353,845 people enrolled to vote in the 2006 Victorian state election.<sup>31</sup>

At the time of the by-elections there were in total 83,354 enrolled voters in the Albert Park District (45,320) and Williamstown District (38,034).<sup>32</sup>

## Media, researchers and psephologists

For the 2006 Victorian state election, the VEC established the tally room at the Melbourne Exhibition and Convention Centre (MECC) for use on election day.<sup>33</sup> Psephologists, people who analyse election results and trends, were employed by the media,<sup>34</sup> including ABC Television and several radio stations, to broadcast election results live from the tally room and other television stations crossed to the tally room intermittently. Election results were also available via the VEC's virtual tally room and were updated electronically every five minutes;<sup>35</sup> this is important for the many independent and amateur psephologists who monitor the elections in Australia and overseas.

There was no tally room for the Albert Park District and Williamstown District by-elections. Election results were available via the VEC's website every 15 minutes between 7 pm and 10.15 pm on election night.<sup>36</sup>

<sup>31</sup> Victorian Electoral Commission, *Submission No. 20*, p. 4.

<sup>32</sup> Victorian Electoral Commission, *Submission No. 28*, p. 11.

<sup>33</sup> Victorian Electoral Commission, *Submission No. 20*, p. 59.

<sup>34</sup> C Tilley, *The poll vault: Definition moments*, 2007. Retrieved 13 February 2008 from <http://blogs.abc.net.au/thepollvault/2007/10/definition-mome.html>.

<sup>35</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 59-60.

<sup>36</sup> Victorian Electoral Commission, *Submission No. 28*, p. 17.

## Conduct of inquiry

### Inquiry process

The inquiry into the conduct of the 2006 Victorian state election and matters related thereto was referred to the EMC by the Legislative Assembly of Victoria on 1 March 2007. The EMC invited interested people and organisations to lodge a submission which addressed the terms of reference by 1 June 2007. In particular, the EMC wrote to numerous targeted stakeholders and placed advertisements in the *Herald Sun* and *The Age* on Saturday 28 April 2007 calling for submissions: late submissions were also accepted. The EMC received 28 written submissions and a number of supplementary submissions. All submissions are displayed on the EMC website.

The submissions received were from a very broad range of interest groups and individuals and highlighted a range of issues including:

- Electoral education and enrolment;
- Administrative aspects of political parties including public funding and donations;
- Electoral administration and issues associated with the election period including staffing, accessibility issues related to voting centres and voting behaviour; and
- Counting and analysing the votes, as well as the publication of election results.

A number of individuals and organisations were invited to elaborate on their written submissions at public hearings which were held at Parliament House, Melbourne on 28 and 29 August 2007. Others were invited to present a verbal submission to the EMC. In total, the EMC heard evidence from six interested individuals and 16 organisations.

As part of the inquiry, EMC members and the secretariat also conducted site visits to:

- Boroondara Council's Cotham ward by-election to observe electronic vote counting procedures used by the VEC on 21 July 2007;
- Sandridge voting centre and Albert Park election office to observe the Albert Park District by-election on 15 September 2007; and
- Hanover Welfare Service's Southbank Crisis Centre and Transitional Supported Housing to meet with clients and case workers on 25 February 2008.

## Feedback on inquiry

The inquiry into the conduct of the 2006 Victorian state election and matters related thereto has been welcomed by stakeholders and interested persons. Many witnesses at the public hearings offered “congratulations” for the Parliament establishing the EMC and instigating such an inquiry in Victoria for the first time.<sup>37</sup> Others advocated the need for regular inquiries and evaluation of electoral matters in Victoria:

I very much welcome the initiatives made by the state parliament to undertake a review of the electoral procedures. It is something that hopefully will become a regular feature.<sup>38</sup>

Evaluation is a key part of any process and we welcome the committee's role in this regard.<sup>39</sup>

Finally, in his opening comments at the public hearing, former Member of Parliament and Speaker of the Legislative Assembly, Dr Ken Coghill summed up the importance of the inquiry:

Can I firstly congratulate the government and the Parliament for establishing this inquiry because I think it is enormously important to take opportunities like this to review the operation of the electoral system, and in particular to see what can be learned from the last election, which can advance the quality of democracy which we have here in Victoria, and also to help set that in the national context so we become aware of strengths or limitations of Commonwealth legislation which might interact with the operation of the Victorian legislation.<sup>40</sup>

Regular scrutiny of electoral rules and practices is required especially as new issues arise with each election.<sup>41</sup> In the past, state elections have been scrutinised by the media and may be subject to judicial review. After recent Victorian state elections the VEC has also reported to Parliament on the administration of each election, the 2006 Victorian state election and the by-elections being no exception.<sup>42</sup>

The EMC's inquiry into the conduct of the 2006 Victorian state election and the Albert Park District and Williamstown District by-elections is another step to building an inclusive and democratic community. The EMC supports such

---

<sup>37</sup> A McGrath (Life Member and Former President), HS Chapman Society, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>38</sup> A van der Craats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>39</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>40</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>41</sup> F Fletcher, "Free and fair elections: Regulations that ensure a "fair go"", paper presented at the Parliament of Victoria, Melbourne, Australia, 20 June 2007, p. 11.

<sup>42</sup> For example Victorian Electoral Commission, *Report to Parliament on the 1999 Victorian state election*, State of Victoria, Melbourne, 2000; Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian state election*, State of Victoria, Melbourne, 2003; Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, State of Victoria, Melbourne, 2007; Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, 2007.

future inquiries into parliamentary elections being a regular feature of the Victorian parliamentary inquiry process.

## Report outline

The core issues emerging from this inquiry are identified and discussed in the following chapters. Chapter Two outlines the role of the Victorian Electoral Commission and its staff. Matters dealing with enrolment and engagement are divided into two parts: Chapter Three examines enrolment issues, including communication strategies, enrolment trends, the electoral roll, and engaging communities in electoral participation, while Chapter Four continues the discussion about how to engage communities. Chapter Five looks at administrative aspects of political parties and includes the registration of political parties, the nomination process, party involvement in postal voting, campaigning at voting centres, clarification on bribery issues and funding and disclosure. Chapter Six examines electoral material, which includes how to vote (HTV) cards, group voting tickets (GVTs), ballot papers, authorisation of electoral campaign matter and misleading and deceptive behaviour. Chapter Seven considers voting centres and voting, and Chapter Eight examines electronic voting. Chapter Nine examines issues relating to the counting of the votes, including scrutiny of declarations and scrutiny of votes, and the calculation of votes in the Legislative Assembly and the Legislative Council. Chapter Ten provides commentary on communicating the results, the tally room and the VEC's relationship with the media. The final chapter, Chapter Eleven concludes the report and highlights the inquiry's focus and the EMC's future strategic direction.



---

## Chapter Two: Victorian Electoral Commission

The EMC has identified key issues associated with the role of the VEC and its personnel and reports on its findings in this chapter.

### The role of the VEC

#### VEC's relationship with the EMC

At the public hearing, Steve Tully, Electoral Commissioner of Victoria, welcomed the opportunity to liaise with the EMC to discuss and respond to matters associated with electoral events. He said:

Any election event requires detailed planning, risk identification and response strategies. ... We would welcome the committee convening before major electoral events so that it can be briefed and we can respond to matters on the planning process and address any data and reporting requirements. Indeed this would be most useful before the coming round of local government elections in Victoria where the VEC believes there are many issues that need urgent addressing.<sup>43</sup>

The EMC agreed that dialogue between the VEC and the EMC will be beneficial prior to electoral events. The EMC is grateful for the cooperation extended by the VEC to the EMC to perform its duties. To this end, the EMC is meeting with the Victorian Electoral Commissioner and his staff in July 2008 to discuss issues relating to the local council elections being held in Victoria in November 2008.

#### Duplication of electoral administration

Professor Colin Hughes, in a lecture given at Parliament House, Canberra described the historical context of electoral administration in Australia. He said:

---

<sup>43</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

The Australian system of electoral administration was paralleled in each state for their own elections. ... It became a familiar and trusted part of the Australian political landscape.<sup>44</sup>

Accordingly, the Australian Electoral Commission (AEC) is an independent statutory authority established under the *Commonwealth Electoral Act 1918*. The VEC is an independent statutory authority established under Victoria's *Electoral Act 2002*.

Bob Saunder, an election official, was concerned about the duplication of resources between the AEC and the VEC. For example, at a practical level he suggested that the AEC and the VEC should share and recycle furniture used for state and federal elections.<sup>45</sup>

William Jacomb, Anthony van der Craats and Bob Saunder shared their concerns with the EMC about the duplication of responsibilities between the AEC and the VEC.<sup>46</sup> For example, William Jacomb said:

Back in the time that communication systems were more difficult, I would argue it did make sense to have a Victorian Electoral Commission, but given that a lot of their work is done by the Australian Electoral Commission, and the Australian Electoral Commission for federal elections employs the same staff at the grassroots level in terms of manning polling booths, the question should be asked whether we should be duplicating the bureaucracy and whether we should give consideration to perhaps just tendering it to the federal electoral commission and saving money that way.<sup>47</sup>

Bob Saunder, William Jacomb and Anthony van der Craats also suggested the EMC consider recommending the establishment of a single electoral authority, responsible for enrolment of voters and the administration of elections.<sup>48</sup>

The VEC responded to this suggestion in a supplementary submission and noted that:

The issue of a single Australian Electoral Authority raises its head from time to time and has been the subject of a Commonwealth Joint Standing Committee on Electoral Matters report. Electoral authorities work together to avoid duplication and redundancy of effort but this topic is probably the subject of a much larger debate including the role and need for State Governments.<sup>49</sup>

---

<sup>44</sup> CA Hughes, "The independence of electoral administration", paper presented at the Department of the Senate Occasional Lecture Series at Parliament House, Canberra, Australia, 23 March 2007, p. 3.

<sup>45</sup> B Saunder, *Submission No. 12*, p. 1.

<sup>46</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 8; B Saunder, *Submission No. 12*, p. 1; A van der Craats, *Submission No. 22*, pp. 12-13.

<sup>47</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 8.

<sup>48</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 8; B Saunder, *Submission No. 12*, p. 1; A van der Craats, *Submission No. 22*, pp. 12-13.

<sup>49</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 4.

The EMC recognises that this is an ongoing debate and notes that the VEC already liaises with the AEC to minimise duplication of roles and responsibilities.<sup>50</sup>

**Recommendation 2.1: The Victorian Electoral Commission continue liaising with the Australian Electoral Commission to minimise duplication of roles and responsibilities.**

## Review of the VEC's operations

The Victorian *Ombudsman Act 1973* excludes the Ombudsman from inquiring or investigating any administrative review of the VEC.<sup>51</sup>

Anthony van der Craats expressed his concern about the mechanisms for any review of the VEC's operations. In his submission he noted that:

The Victorian Electoral Commission is an authority under to itself [sic] and is only accountable directly to the Victorian State Parliament with limited accountability for its administration and management. The Victorian *Ombudsman Act* should be amended so as to remove the Victorian Electoral Commission for [sic] the list of authorities preventing review of the Commission by the Victorian State Ombudsman[s] Office.<sup>52</sup>

In a supplementary submission the VEC responded to Anthony van der Craats' concern and noted that:

The VEC does not have any issue with the State Ombudsman being given the right to review administrative procedures relating to the VEC.<sup>53</sup>

However, the VEC considered this matter further and informed the EMC of the dangers associated with giving a body outside of the judicial and parliamentary system responsibility to review the operations of the VEC:

Australian Parliaments have been careful to ensure the independence of Electoral Commissioners in carrying out their functions. Whilst the Commissioner's decisions have been and continue to be subject to judicial review, and in one form or another, Parliamentary review – Parliament has been very careful to exclude the influence of others in operational decision making. ... [T]he Committee needs to be aware of the dangers of creating a body outside the courts and the Parliament with the authority to influence or make electoral decisions.<sup>54</sup>

The EMC understands that in the past the HS Chapman Society has also called for a Commonwealth Electoral Ombudsman. While this issue was not raised by Amy McGrath (former President and member of the Society) at the public hearings, the Society argues that an Electoral Ombudsman is

<sup>50</sup> Victorian Electoral Commission, *Annual report: 1 July 2005-30 June 2006*, Victorian Electoral Commission, Melbourne, 2006, pp. 5, 32.

<sup>51</sup> *Ombudsman Act 1973* s 13(3)(ca).

<sup>52</sup> A van der Craats, *Submission No. 22*, p. 12.

<sup>53</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 4.

<sup>54</sup> L Williams (Deputy Electoral Commissioner), Victorian Electoral Commission, *Personal communication*, 13 May 2008.



necessary because the AEC is only accountable to the Governor-General once the writ is issued.<sup>55</sup>

The EMC notes that accountability of electoral administration is of vital importance, just as parliamentary elections are an important form of public accountability for the government as well as members of the Parliament of Victoria. Nevertheless, the EMC understands the viewpoint of the VEC and the dangers associated with giving a body the authority to influence the operations of the VEC.

The EMC considered the role of a parliamentary committee reviewing electoral administration. Research recognises the main achievement of the Commonwealth Parliament's JSCEM has been to "institutionalise parliamentary review of federal [Commonwealth] electoral law and practice and ensured both public and expert input" after each election.<sup>56</sup> As indicated in Chapter One of this report, the EMC supports the Parliament of Victoria, after each Victorian state election, referring an inquiry into the conduct of the election to a parliamentary committee to scrutinise and review electoral administration in Victoria.

## Personnel

### Staff recruitment

For the 2006 Victorian state election, the VEC recruited 43 Election Managers and 107 Assistant Election Managers and in partnership with a recruitment company recruited an additional 14,811 casual administrative staff, voting centre election officials and vote-counters.<sup>57</sup>

The EMC was informed of issues associated with the recruitment of election staff to work on the election weekend for the 2006 Victorian state election. Although the VEC increased the number of staff working in the voting centres since the 2002 Victorian state election, the EMC heard evidence that recruiting suitable staff to work on election day was difficult.<sup>58</sup> Anecdotally, Gordon Rich-Phillips MLC, member for South Eastern Metropolitan Region described the impact of the recruitment difficulties from the perspective of an experienced election official:

I have to say that she was quite scathing in her criticism of the way many of the administrative matters relating to the election were conducted. For example, in the days leading up to polling day there was apparently a mad scramble with the VEC to find sufficient polling staff to man polling booths. People were being telephoned as

---

<sup>55</sup> HS Chapman Society, *The case for an electoral ombudsman*, No date. Retrieved 28 April 2008 from [http://www.hschapman.org/case\\_for\\_an\\_electoral\\_ombudsman.htm](http://www.hschapman.org/case_for_an_electoral_ombudsman.htm).

<sup>56</sup> G Orr, B Mercurio & G Williams, "Australian electoral law: A stocktake", *Election Law Journal*, vol. 2, no. 3, 2003, p. 400.

<sup>57</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 62-64; Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 41.

<sup>58</sup> B Saunder, *Submission No. 12*, p. 1; Victorian Electoral Commission, *Submission No. 20*, p. 63.

late as the Thursday before election day and asked whether they were available to work as polling staff.<sup>59</sup>

Reasons stated for recruitment difficulties included the pay rate and long working hours.<sup>60</sup> While the pay rates were based on the Victorian Public Service rates, which the VEC considered appropriate,<sup>61</sup> the EMC received evidence that complaints were lodged with the VEC about these employment conditions.<sup>62</sup> However, the EMC also notes that buoyant economic conditions at the time of the 2006 Victorian state election may have affected the VEC's ability to recruit suitable election staff. In October 2006, one month before the Victorian state election, low unemployment rates (4.6%) and high labour force participation rates (64.7%) were recorded in Australia.<sup>63</sup>

The VEC intends to increase the number of staff working at the 2010 Victorian state election and anticipates that those additional staff will enable it to offer staff shorter working hours, making the work less intensive and more attractive.<sup>64</sup>

The EMC supports the VEC's intentions to increase the number of staff working at the 2010 Victorian state election.

At the Albert Park District and Williamstown District by-elections, the VEC contracted 267 staff to work as election officials in Albert Park District (127) and Williamstown District (140).<sup>65</sup>

Despite the anecdotal evidence associated with recruitment difficulties for the general election, the VEC did not report any recruitment issues associated with the Albert Park District and Williamstown District by-elections. Election managers were supported by experienced election officials and core VEC staff.<sup>66</sup>

## Staff retention

At the 2006 Victorian state election, the majority (85%) of election officials reported being satisfied with the support they received from their Election Manager or Voting Centre Manager. The VEC is hopeful that a good

<sup>59</sup> G Rich-Phillips MLC, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 15 February 2007, p. 300.

<sup>60</sup> B Saunder, *Submission No. 12*, p. 1.

<sup>61</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 9.

<sup>62</sup> Victorian Electoral Commission, *Submission No. 20*, p. 46.

<sup>63</sup> Australian Government, *Labour Force, Australia, October 2006*, Australian Bureau of Statistics, 2006. Retrieved 2 June 2008 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyReleaseDate/4D7E0C1E66E4FB6BCA25723C000E8E7A?OpenDocument>; M O'Brien, A Valadkhani, P Waring & R Denniss, "The Australian Labour Market in 2006", *Journal of Industrial Relations*, vol. 49, no. 3, 2007, pp. 311-326.

<sup>64</sup> Victorian Electoral Commission, *Submission No. 20*, p. 118.

<sup>65</sup> Victorian Electoral Commission, *Submission No. 28*, p. 18.

<sup>66</sup> Victorian Electoral Commission, *Submission No. 28*, p. 15.

election day working experience will encourage the retention of casual staff for the next state election.<sup>67</sup>

Conflicting evidence was given about issues associated with the retention of Election Managers. Bob Saunder stated that a lack of debriefing and succession planning post-election for Election Managers and Assistant Election Managers may have implications for the retention of senior election officials.<sup>68</sup> On the other hand, the VEC informed the EMC of the professional support provided to Election Managers:

[Many] are appointed to Assistant [Election] Manager roles in their first election, then to [Election] Manager roles subsequently. All Election Managers are invited to attend one of a number of debriefing sessions around the state.<sup>69</sup>

The EMC is aware that the retention of staff at election time is also a difficult issue for the AEC. The Commonwealth Parliament's JSCEM review of certain aspects of the administration of the AEC reported that casual staff are provided with significant training. However, as federal elections occur approximately every three years, casual staff tend to "look for positions in other organisations, taking their corporate knowledge with them".<sup>70</sup>

The EMC notes that as Victorian state elections are held every four years, retention of election officials is in itself problematic. Nevertheless, it is encouraging that the VEC has identified staff recruitment and retention in their corporate plan, an initiative the EMC supports.

## Staff training

The 43 Election Managers were responsible for the training of election officials for the 2006 Victorian state election and a training package was developed by the VEC for this purpose. The training package included a powerpoint presentation, activities and DVDs which focused on voting centre procedures and providing quality customer service.<sup>71</sup> Steve Tully, the Electoral Commissioner of Victoria, told the EMC that:

We [VEC] set new standards for training of election staff by making sure that every single polling official and electoral official watched a video on how to deal with people from different backgrounds or who had customised and special needs.<sup>72</sup>

Election Liaison Officers, Voting Centre Managers and Assistant Voting Centre Managers attended a three hour training session, and Declaration Issuing Officers a one hour training session. This is in contrast to the training of Senior Election Officials who attended a series of seminars at the VEC

---

<sup>67</sup> Victorian Electoral Commission, *Submission No. 20*, p. 64.

<sup>68</sup> B Saunder, *Submission No. 12*, p. 1.

<sup>69</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 9.

<sup>70</sup> Parliament of Australia, *Review of certain aspects of the administration of the Australian Electoral Commission*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 15.

<sup>71</sup> Victorian Electoral Commission, *Submission No. 20*, p. 63.

<sup>72</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

and were required to complete modules at home. Although the VEC reported that election officials were able to be provided with more training because of the fixed election date,<sup>73</sup> the EMC gathered evidence suggesting that this may still have been inadequate.

At the 2006 Victorian state election, a number of administrative issues were reported which indicated that many of the election officials working on election day were inadequately trained. Anecdotally, Gordon Rich-Phillips MLC reported that:

[T]here were a large number of untrained people working for the VEC in polling booths on election day. This led to a number of administrative issues, which have been widely reported. We have heard examples of people being given the wrong ballot papers. In particular, where there were split booths between adjoining districts there was immense confusion as to the appropriate ballot papers to be distributed to voters. I know from my own experience in dealing with voters and absentee voting that we had polling clerks giving incorrect instructions to voters on how ballot papers were to be filled out, particularly the Legislative Council ballot paper.<sup>74</sup>

In view of this, the EMC considered that staff working at Joint Voting Centres (JVCs) may require additional training for the 2010 Victorian state election.

Complaints were also made about the lack of staff who could competently explain voting procedures to voters and locate group voting tickets. Alison Clarke, Party Co-ordinator with the Australian Greens (Victoria), noted that:

[S]ometimes at polling booths there was quite a bit of confusion where there was nobody available to explain proportional representation or explain other questions to the public. Perhaps there could be a designated person who has more training and therefore is able to deal with those matters at each booth.<sup>75</sup>

The Council on the Ageing also expressed a wish for the training of election officials to produce confident and helpful staff as well as staff with a strong understanding of the procedures available at their particular voting centres.<sup>76</sup>

The EMC notes that the nature of state elections being held every four years makes the Election Managers' task of employing and effectively training highly skilled workers difficult. In support of this the Australian Greens' (Victoria) submission noted:

[N]o amount of training will ever be fully adequate for polling officials who work just one day every four years.<sup>77</sup>

<sup>73</sup> Victorian Electoral Commission, *Submission No. 20*, p. 63.

<sup>74</sup> G Rich-Phillips MLC, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 15 February 2007, p. 300.

<sup>75</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 3-4.

<sup>76</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>77</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

Election officials also expressed some dissatisfaction with their training. One-quarter of election officials surveyed by the VEC indicated they were not adequately prepared for their role particularly in relation to the declaration voting process, assisting voters with a disability to access the voting centre, liaising with voters whose details were not up-to-date and managing the long working hours.<sup>78</sup> Julie Nelson, Policy Officer, with the Council on the Ageing, confirmed that election officials required more training to meet the needs of people with a disability.<sup>79</sup>

Many election officials who did feel they were adequately prepared for their role on election day had worked at previous elections and felt their previous experience held them in good stead to complete their duties.<sup>80</sup>

The EMC encourages the VEC to conduct an audit of their election workforce planning, including a review of the roles, responsibilities and training requirements of their election staff, with the view to achieving efficient and effective outcomes for the 2010 Victorian state election.

**Recommendation 2.2: The Victorian Electoral Commission considers conducting an audit of its election workforce planning, including a review of the roles, responsibilities and training requirements of its election staff, with the view to achieving efficient and effective outcomes for the 2010 Victorian state election.**

## Staff management of electoral districts

Each of the 43 Election Managers were responsible for up to three districts at the 2006 Victorian state election.<sup>81</sup>

For the 2010 Victorian state election, the VEC has stated that Election Managers employed in metropolitan and rural areas will not manage more than two districts; three districts will only be considered in exceptional circumstances.<sup>82</sup>

The EMC supports this administrative change for Election Managers to manage one or two, rather than three districts, especially given it is expected it will lead to improvements in electoral administration.

## Indigenous staff

In total, six Indigenous people worked at voting centres in Preston, Bundoora and Shepparton for the 2006 Victorian state election.<sup>83</sup>

---

<sup>78</sup> Victorian Electoral Commission, *Submission No. 20*, p. 64.

<sup>79</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>80</sup> Victorian Electoral Commission, *Submission No. 20*, p. 64.

<sup>81</sup> Victorian Electoral Commission, *Submission No. 20*, p. 118.

<sup>82</sup> Victorian Electoral Commission, *Submission No. 20*, p. 118.

<sup>83</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

The EMC heard evidence from Greta Clarke, Research Officer with the Victorian Aboriginal Legal Service Co-operative Limited (VALS), about the lack of Indigenous staff at voting centres. She informed the EMC of the benefits of employing Indigenous staff. She said:

An Aboriginal face is something familiar to people and it automatically puts them at ease and they feel perhaps not foolish in asking questions. I think that actually helps.<sup>84</sup>

The VEC agreed and confirmed that having Indigenous people work at voting centres where there are established Indigenous communities, provides a “welcoming environment for Indigenous electors”.<sup>85</sup>

The EMC notes issues associated with the recruitment of Indigenous people. Research in Australia and North America illustrates that Indigenous people are motivated to work as public servants when they can see that they are helping their own community.<sup>86</sup> Aboriginal Affairs Victoria recognises this relationship and is currently working to build Indigenous capacity through increasing workforce participation by Indigenous people in the public sector.<sup>87</sup>

As the VEC’s *Corporate Plan 2007-2010* (strategy 17) aims to “attract and retain a workforce which is reflective of the diversity in the community”,<sup>88</sup> the EMC encourages the VEC to consult with Aboriginal Affairs Victoria to inform its development of a targeted strategy to recruit more Indigenous staff to work as election officials, particularly where there are established Indigenous communities.

**Recommendation 2.3: The Victorian Electoral Commission considers consulting with Aboriginal Affairs Victoria to inform its development of a targeted strategy to recruit more Indigenous staff to work as election officials, particularly where there are established Indigenous communities.**

## Multilingual staff

Of the 14,811 casual election staff employed, 1,141 were able to speak a language in addition to English. Forty-five languages were spoken in approximately 575 voting centres across 86 electoral districts. Multilingual

<sup>84</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>85</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>86</sup> CL Juntunen, DJ Barraclough, CL Broneck, GA Seibel, SA Winrow & PM Morin, "American Indian perspectives on the career journey", *Journal of Counseling Psychology*, vol. 48, no. 3, 2001, pp. 274-285; A Day, G Giles, B Marshall & V Sanderson, "The recruitment and retention of Indigenous criminal justice agency staff in an Australian state", *International Journal of Offender Therapy and Comparative Criminology*, vol. 48, no. 3, 2004, pp. 347-359.

<sup>87</sup> Victorian Government, *Victoria Government Indigenous Affairs report: July 2005 - June 2006*, Department of Planning and Community Development, Melbourne, 2007, p. 48.

<sup>88</sup> Victorian Electoral Commission, *Corporate plan 2007-2012*, Victorian Electoral Commission, Melbourne, 2007, p. 7.

staff were identifiable by a sticker which indicated the language they spoke.<sup>89</sup>

At the Albert Park District and Williamstown District by-elections, of the 267 election staff employed at voting centres, 33 election staff spoke a language in addition to English and were located across 26 election day voting centres (15 staff in Albert Park and 18 staff in Williamstown).<sup>90</sup>

Evidence gathered at the public hearings indicated insufficient multilingual staff at voting centres. Licia Kokocinski, Executive Director of Action on Disabilities with Ethnic Communities (ADEC), noted:

Some places, even around Brunswick which is hugely multicultural, had no staff who were from non-English speaking backgrounds. There were no bilingual workers available at all.<sup>91</sup>

Peter van Vliet, Executive Officer of the Ethnic Communities' Council of Victoria (ECCV), told the EMC that a lack of multilingual election officials affected electors' voting experience, especially electors from new and emerging communities:

When we conducted consultation around this forum with some members of new and emerging communities, they said that they found the whole voting experience, to use their term, an "Anglo experience" and they did not feel overly comfortable at polling booths.<sup>92</sup>

The VEC stated that it is working towards employing more staff who speak community languages. As previously noted, the VEC's *Corporate Plan 2007-2012* (strategy 17) aims to "attract and retain a workforce which is reflective of the diversity in the community".<sup>93</sup> Although Election Managers are "provided with statistics on the numbers of voters from culturally and linguistically diverse (CALD) backgrounds within their electorates, with a view to encouraging employment of election officials from those backgrounds",<sup>94</sup> the EMC's view is that a more systematic approach may need to be explored by the VEC.

**Recommendation 2.4: The Victorian Electoral Commission considers implementing a more systematic approach to the recruitment of multilingual staff for the 2010 Victorian state election. Consideration should be given to aligning the appointment of multilingual staff with the predominant ethnic composition/community languages spoken in electorates.**

---

<sup>89</sup> Victorian Electoral Commission, *Submission No. 20*, p. 31; Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 40.

<sup>90</sup> Victorian Electoral Commission, *Submission No. 28*, p. 13.

<sup>91</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>92</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>93</sup> Victorian Electoral Commission, *Corporate plan 2007-2012*, Victorian Electoral Commission, Melbourne, 2007, p. 7.

<sup>94</sup> Victorian Electoral Commission, *Submission No. 20*, p. 31.

## Staff with a disability

The VEC informed the EMC that they have developed a partnership with Disability Works Australia to recruit persons with a disability to work at the VEC head office and for electoral events.<sup>95</sup> The VEC's *Annual Report 2006-2007* noted that:

Scope (Vic), a major provider of services to people with physical and multiple disabilities in Victoria, continued to support three staff members at the VEC's head office. These staff were employed through Employment Futures, the employment division of Scope (Vic).<sup>96</sup>

The EMC supports the VEC developing and sustaining a diverse workforce, including the recruitment and retention of staff with a disability.

---

<sup>95</sup> VEC Disability Action Plan cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 12.

<sup>96</sup> Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 40.





## Chapter Three: Enrolment and engagement – Part A

This chapter and the next chapter consider issues raised throughout the inquiry about electors' engagement in the electoral process. The chapter begins with an overview of the VEC's communication strategies, enrolment trends and maintenance of the electoral roll. The chapter then outlines and analyses the evidence the EMC received about enrolment, electoral literacy and resources to increase participation among young persons, older persons, and persons with poor literacy skills.

### Overview of communication strategies

#### 2006 Victorian state election

The *Electoral Act 2002* states that one of the functions of the VEC is to “promote public awareness of electoral matters that are in the general public interest by means of the conduct of education and information programs”.<sup>97</sup> The VEC's advertising and educational campaign was conducted in seven phases, as shown in Table 3.1.

**Table 3.1: Phases of advertising and education campaign**

| Phase |                               | Timing                      |
|-------|-------------------------------|-----------------------------|
| 1     | Enrolment                     | 3 October – 6 November 2006 |
| 2     | Information for candidates    | 1 November 2006             |
| 3     | Voting (motivational)         | 8-19 November 2006          |
| 4     | Early voting                  | 10-15 November 2006         |
| 5     | Candidate listings            | 18 November 2006            |
| 6     | How to vote correctly         | 20-25 November 2006         |
| 7     | Where to vote on election day | 22-25 November 2006         |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 32.

<sup>97</sup> *Electoral Act 2002* s 8(2)(f).

Evidence received during the inquiry highlighted the need for adequate resources to be allocated to advertising the election so that electors are reminded to enrol or update their enrolment details. The Australian Greens (Victoria) also noted that “in an election with a radical change [to the Legislative Council] such as this one there is an extra importance to explain the new system”.<sup>98</sup>

The VEC informed the EMC that \$3.020 million was spent on advertising and educating the public about the forthcoming election. The campaign known as “Every vote will shape Victoria” included explaining enrolment and voting and the changes to the Legislative Council, as well as where to vote.<sup>99</sup> The public education campaign incorporated a telephone inquiry service, website, media relations, advertising, community presentations, distribution of publications, education services, competitions and events. A state-wide mail-out by the VEC of an *EasyVote* card to all Victorian electors on the enrolment register also “provided important information on the new Legislative Council system and a timely reminder for all electors to ensure that their details were accurate and up-to-date”.<sup>100</sup>

### Figure 3.1: Easy Vote Card



Source: Victorian Electoral Commission, *EasyVote card*, No date. Retrieved 21 May 2008 from <http://www.vec.vic.gov.au/images/EasyVoteCard.jpg>.

Overall a total of \$2.527 million was spent on advertising as follows: television (\$978,486), radio (\$494,527), newspaper (\$888,727), magazines (\$13,188) and outdoor signage (\$152,625). Included in the total were campaigns targeting voters from remote and regional Victoria (\$348,186) and from CALD backgrounds (\$151,640).<sup>101</sup> Compared with the 2002 Victorian state election (\$2,005,152), spending on advertising for the 2006 Victorian state election increased by 20% (not including on-line advertising). Expenditure on press, television and radio increased by 7%, 20%, and 26% respectively, and the 2006 Victorian state election saw the introduction of

<sup>98</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

<sup>99</sup> Victorian Electoral Commission, *Submission No. 20*, p. 22.

<sup>100</sup> Victorian Electoral Commission, *Submission No. 20*, p. 26.

<sup>101</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 32-33.

advertising in magazines and outdoors. Advertising in ethnic and regional media also increased by 7% and 20% respectively.<sup>102</sup>

An evaluation of the VEC's communication strategies indicated that the majority of voters recalled seeing or hearing information about enrolling to vote, the importance of voting, the election date and the location of voting centres through the above information sources, as outlined in Table 3.2.<sup>103</sup> This table also shows that the majority of voters believed the VEC's communication strategies of the campaign were effective.

**Table 3.2: Effectiveness of communication strategies for the 2006 Victorian state election**

| Type of voter | Saw/heard VEC communications | Effectiveness       |           |
|---------------|------------------------------|---------------------|-----------|
|               |                              | Extremely effective | Effective |
| Absent        | 74%                          | 27%                 | 44%       |
| CALD          | 72%                          | 19%                 | 44%       |
| Early         | 72%                          | 25%                 | 43%       |
| Postal        | 73%                          | 32%                 | 36%       |
| Ordinary      | 77%                          | 31%                 | 38%       |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 44.

Nevertheless, the VEC informed the EMC that 20% of respondents indicated they would have liked more information about:

- Where to vote;
- Preferential voting;
- Proportional representation;
- Political parties and advertising; and
- How to vote.<sup>104</sup>

The EMC notes the VEC's efforts to provide a range of information leading up to and during the election period to increase electors' participation in the 2006 Victorian state election.

<sup>102</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 32-33.

<sup>103</sup> Victorian Electoral Commission, *Submission No. 20*, p. 44.

<sup>104</sup> Victorian Electoral Commission, *Submission No. 20*, p. 45.

## Albert Park District and Williamstown District by-elections

The VEC used four methods of promoting the Albert Park District and Williamstown District by-elections, including directly mailing householders, newspaper advertising, telephone enquiry service and the website.<sup>105</sup>

The VEC distributed five media releases during the election period to local and statewide media outlets.<sup>106</sup>

## Concerns associated with the 2010 Victorian state election

The EMC was informed that the 2010 Victorian state election may be held very close to the next federal election. The VEC believe that this may confuse some electors and cause an overlap of Commonwealth and state postal vote applications.<sup>107</sup> In addition, the Australian Greens' (Victoria) submission noted that:

It is likely the 2010 election will be held very close to a federal election, and it will be particularly important to have staff able to explain to voters where the two systems are different. Otherwise many voters may believe that to vote below the line they need to number all boxes.<sup>108</sup>

The Australian Greens (Victoria) suggested the VEC may wish to consider developing communication strategies which will decrease voter confusion about the differences between state and Commonwealth systems of voting.<sup>109</sup>

After consideration, the EMC encourages the VEC to work with the AEC to consider whether electoral education would assist electors develop greater understanding of the differences between the Commonwealth and state voting systems.

**Recommendation 3.1: For the 2010 Victorian state election, the Victorian Electoral Commission considers collaborating with the Australian Electoral Commission to educate Victorian electors about the differences between state and Commonwealth voting systems.**

---

<sup>105</sup> Victorian Electoral Commission, *Submission No. 28*, p. 14.

<sup>106</sup> Victorian Electoral Commission, *Submission No. 28*, p. 17.

<sup>107</sup> Victorian Electoral Commission, *Submission No. 28*, p. 25.

<sup>108</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

<sup>109</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

## Overview of enrolment trends and issues

### New enrolment initiatives

The EMC was informed that there were significant changes to the *Electoral Act 2002* that applied to the enrolment of electors for the 2006 Victorian state election. These included:

- The electoral roll closing seven days after the issue of the writs, rather than three days previously;
- For the first time electors aged 70 years of age or over were able to apply to be general postal voters (GPVs); and
- Homeless people were able to enrol as “itinerant electors”.<sup>110</sup>

The EMC commends the VEC on responding to these changes which work towards increasing participation of eligible Victorian electors.

### 2006 Victorian state election

The state of Victoria has a population of 4.9 million. The 2006 census data indicates that approximately 76.6% of this population (3,780,057) are aged 18 years and over. The average age of people living in Victoria is 37 years, which is the same as the national average.<sup>111</sup> Out of these, approximately 3.3 million (3,353,845) are listed on the Victorian electoral roll as eligible voters.<sup>112</sup>

### Albert Park District and Williamstown District by-elections

A total of 83,354 eligible voters were enrolled to vote in the Albert Park District (45,320) and Williamstown District (38,034) by-elections. This saw the number of enrolled people in the Albert Park District and Williamstown District increase by 2.4% (1,991) since the 2006 Victorian state election.<sup>113</sup>

### Enrolment participation rate

An indicator used to predict how many Victorians are enrolled to vote is the enrolment participation rate.<sup>114</sup> As at June 2007, the enrolment participation rate for Victoria was 93.82%. Although the rate was slightly under the

<sup>110</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>111</sup> Australian Government, "2006 census tables, Victoria (state), age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

<sup>112</sup> Victorian Electoral Commission, *Submission No. 20*, p. 4.

<sup>113</sup> Victorian Electoral Commission, *Submission No. 28*, p. 11.

<sup>114</sup> Enrolment participation is calculated by comparing the number of eligible electors currently enrolled to the total number of persons estimated to be eligible to enrol.

enrolment target of 95% of estimated eligible electors, the EMC notes that Victoria achieved more than the national average which was 92.76%.<sup>115</sup>

The EMC is concerned about the enrolment participation rate for Victoria. It also notes that the rate has declined in recent years. For example, in 2005 Victoria recorded an enrolment participation rate of 98.8%.<sup>116</sup> The EMC intends to investigate declining enrolment participation rates as part of a forthcoming inquiry into voter participation.

## Concerns associated with enrolment of voters for federal elections

While outside the scope of the EMC's inquiry into the conduct of the 2006 Victorian state election, the EMC heard from a number of political parties and non-government organisations about the changes to the enrolment requirements for federal elections, including:

- Australian Democrats;
- Australian Greens (Victoria);
- Australian Labor Party (Victorian Branch);
- Hanover Welfare Services;
- VALS; and
- United Nations Youth Association (UNYA).

Commonwealth electoral legislation stipulates that electors need to provide proof of identity (driver's licence number or Australian passport number) when enrolling for the first time, re-enrolling to get back on the electoral roll, updating their address and/or name details if they have changed. Where an elector does not possess this identification, two electors can sign to confirm the elector's name and that they have known the elector for at least one month.<sup>117</sup> The legislation also provided for the electoral roll to close earlier.<sup>118</sup>

---

<sup>115</sup> Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 19.

<sup>116</sup> Roll Integrity Unit, *Measuring the electoral rolls: A report on the results from the Sample Audit Framework March 2005*, Australian Electoral Commission, Canberra, 2005, p. 9.

<sup>117</sup> *Commonwealth Electoral Act 1918* s 98AA(1).

<sup>118</sup> Australian Electoral Commission, *New deadlines for enrolling to vote for federal elections*, 2007. Retrieved 21 May 2008 from [http://www.aec.gov.au/About\\_AEC/publications/fact\\_sheets/close\\_of\\_rolls.htm](http://www.aec.gov.au/About_AEC/publications/fact_sheets/close_of_rolls.htm); Australian Electoral Commission, *Proof of identity for enrolment: Factsheet*, 2007. Retrieved 21 May 2008 from [http://www.aec.gov.au/About\\_AEC/Publications/Fact\\_Sheets/Proof\\_of\\_Identity.htm](http://www.aec.gov.au/About_AEC/Publications/Fact_Sheets/Proof_of_Identity.htm).

Senator Lyn Allison, Leader of the Australian Democrats, stated her view that the earlier roll closure may disenfranchise up to 100,000 people at a federal election. She said:

I think the more time, the better ... because people frankly forget, do not get around to it, need prompting, do not know they have to do it, and so on.<sup>119</sup>

In respect to youth population, Giselle Diego, Divisional Policy Officer from UNYA, noted that the new deadlines may alienate young people. She said:

Closing the polls so early on will exclude a large demographic who are not already represented enough in Parliament, considering we do not even have a youth ministry. This is another way of taking away the voice of young people in the democratic process, especially at the federal level.<sup>120</sup>

Greta Clarke, Research Officer with VALS indicated the impact the changes will have on the Indigenous population:

I understand that at the Commonwealth level there have been moves to reduce the amount of time during which someone can enrol after an election has been called. We would say that to go down that line is wrong because of problems with enrolment for Aboriginal people.<sup>121</sup>

The impact of the changes has been reported in the Australian media.<sup>122</sup>

Evidence gathered by the EMC demonstrates that many organisations are also worried about the legislative requirement to provide identification for enrolment for federal elections.<sup>123</sup> For example, Hanover Welfare Services informed the EMC that vulnerable populations including persons experiencing homelessness would find it difficult to meet these requirements.<sup>124</sup> In addition, the Australian Labor Party (Victorian Branch) in their submission noted that:

[T]he eligibility requirements for people to be on the roll should be as broad as possible and we vigorously oppose the recent federal government changes, in particular the identity requirements of enrolment at a federal level.<sup>125</sup>

<sup>119</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>120</sup> G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>121</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>122</sup> K Percy, "Electoral changes concern young voters", *ABC National Radio: The World Today*, 5 October 2005; S Coutts, "Missing the vote", *ABC National Radio: The Law Report*, 12 June 2007.

<sup>123</sup> Australian Labor Party (Victorian Branch), *Submission No. 13*, p. 1; N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 2; T Keenan (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5; G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5; L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 5-6.

<sup>124</sup> T Keenan (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>125</sup> Australian Labor Party (Victorian Branch), *Submission No. 13*, p. 1.



The Parliament of New South Wales JSCEM also reported that:

The Commonwealth changes have made it harder for citizens to enrol and stay enrolled to vote. There is a disproportional impact on young people, Indigenous people, the homeless and people with disabilities. This has a negative impact on universal franchise.<sup>126</sup>

In response, the EMC wrote in January 2008 following the 2007 federal election to Senator the Honourable John Faulkner, Special Minister of State, regarding this matter. Senator Faulkner informed the EMC that as part of the Commonwealth Parliament's JSCEM inquiry into the 2007 federal election he anticipated that a comprehensive review of the close of roll provisions will be conducted. Senator Faulkner also suggested that the EMC may wish to consider lodging a submission to the Commonwealth Parliament's JSCEM inquiry into the 2007 federal election about the close of roll provisions.<sup>127</sup>

The EMC notes Senator Faulkner's response and the Australian Government's forthcoming green paper on electoral reform.

## Electoral roll

### Maintaining an accurate electoral roll

The VEC has a joint roll arrangement with the AEC. The VEC effectively uses these arrangements and the continuous roll update strategy to maintain an accurate electoral register in Victoria. Steve Tully, the Electoral Commissioner of Victoria, noted that:

Victoria has been a leader in enrolment initiatives throughout Australia for a number of years and this has led to Victoria having a superior roll to most other State or territory administrations.<sup>128</sup>

To date, the VEC has established relationships with seven organisations, including the Rental Bond Authority, VicRoads and the Victorian Tertiary Admittance Authority, among others, which enables the VEC to send enrolment forms to electors who have changed their residential address and remind them to update their details. The VEC also follows up non-responses to mail-outs. In 2005-2006 the VEC reported collecting 123,235 enrolments as a result of these initiatives.<sup>129</sup>

The EMC commends the collaborative efforts of the AEC and VEC to maintain an accurate electoral roll.

---

<sup>126</sup> Parliament of New South Wales, *Inquiry into voter enrolment*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2006, p. 13.

<sup>127</sup> J Faulkner (Special Minister of State), Parliament of Australia, *Personal communication*, 7 January 2008.

<sup>128</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 9.

<sup>129</sup> Victorian Electoral Commission, *Submission No. 20*, p. 26.

## Close of roll: Victorian state elections

A total of 3,353,845 eligible voters were enrolled to vote in the 2006 Victorian state election by the close of the electoral roll: 8 o'clock on the evening of Tuesday 7 November 2006. This saw the number of enrolled people increase by 3.8% (125,379) since the 2002 Victorian state election,<sup>130</sup> which is not surprising as the voting age population of Victoria increased by 125,654.<sup>131</sup> In the five months leading up to the election the VEC processed 382,547 enrolments (see Table 3.3). In the final seven days before the roll closed, 21,238 people enrolled to vote and 36,479 eligible voters updated their details.<sup>132</sup> There are no available statistics about enrolments over this period by gender, age, or cultural and linguistic background.

**Table 3.3: Number of enrolments processed by the VEC in lead up to 2006 Victorian state election**

| Month          | Total          |
|----------------|----------------|
| July 2006      | 56,383         |
| August 2006    | 64,650         |
| September 2006 | 77,469         |
| October 2006   | 79,483         |
| November 2006  | 104,562        |
| <b>Total</b>   | <b>382,547</b> |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 27.

Eligible voters had seven days from the issue of the writ on 31 October 2006 to enrol to vote or update and/or validate their enrolment details for the 2006 Victorian state election compared with three days for the 1999 and 2002 Victorian state elections. The number of new enrolments and updates are shown in Table 3.4.

Referring to Table 3.4, comparisons between the 1999 and 2006 Victorian state elections indicates a decreasing trend in new enrolments, which, in itself, does not make a strong case for providing voters with an extra four days to enrol to vote or update their enrolment details. Accordingly, the EMC notes that on the figures provided in Table 3.4, the contention that increasing the length of time between the issue of the writ and the close of the electoral roll, does not necessarily increase the number of new

<sup>130</sup> Victorian Electoral Commission, *Submission No. 20*, p. 27.

<sup>131</sup> Australian Government, "Population summary, population by age and sex, Victoria, June 2002", Australian Bureau of Statistics, 2002. Retrieved 30 May 2008 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyReleaseDate/428E8A4528CB1F2DCA256EC2007BE025?OpenDocument>.

<sup>132</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 26-27.

enrolments. However, the EMC is of the view that with the advent of a fixed election day, electors will be more aware of the upcoming state election and consequently more inclined to enrol or update their enrolment details.

**Table 3.4: Enrolments processed from the issue of the writ to the close of the roll**

| Year | Issue of writ to close of roll | New enrolments | Enrolment updates | Total processing |
|------|--------------------------------|----------------|-------------------|------------------|
| 1999 | 3 days                         | 29,313         | 32,381            | 61,694           |
| 2002 | 3 days                         | 21,158         | 34,003            | 55,161           |
| 2006 | 7 days                         | 21,238         | 36,479            | 57,717           |

Source: Victorian Electoral Commission, *Submission No. 20*, p. 26; Victorian Electoral Commission, *Report to Parliament on the 1999 Victorian state election*, State of Victoria, Melbourne, 2000, p. 28.

The EMC viewed the figures in Table 3.4 with further qualification. As the table compares new enrolments and enrolment updates for both fixed and non-fixed state election days, the EMC is mindful that it may not be methodologically appropriate to compare these figures. The EMC would require more information from future state elections before making definitive statements about the relationship between the date of the close of the roll and new enrolments.

As a result of the issues associated with printing and distributing the electoral roll within a shorter time frame, the VEC in their submission requested that the EMC consider “moving the close of the [electoral] roll back to three days”.<sup>133</sup>

The EMC noted that the VEC is required to meet the current legislative requirements.

## Public access to the electoral roll

The *Electoral Act 2002* sections 32(1) and 32(2) stipulates that every six months it is the responsibility of the VEC to produce an updated alphabetical list of electors’ names and addresses other than silent electors which is publicly available for inspection at the VEC, during office hours at no cost to the public.<sup>134</sup>

The VEC informed the EMC that this list was intended to be used by electors to confirm their enrolment and registered political parties to object to enrolments and assist with political campaigning. However, the VEC believes that:

<sup>133</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>134</sup> Victorian Electoral Commission, *Submission No. 28*, pp. 24-25.

[T]here is little evidence that electors utilise the public access copy of the roll for electoral-related purposes. The primary users of the public access copy are employees of debt collection agencies trying to trace bad debtors and, to a lesser degree, electors trying to trace family members – neither of these activities is electoral-related.<sup>135</sup>

The VEC recommended that consideration be given to “the intended and actual use of the public access copy of the electoral roll and determine whether there is validity in retaining access in its current form”.<sup>136</sup>

The EMC is opposed to restricting electors and registered political parties’ access to the electoral roll. For example, electors should be able to access the electoral roll for electoral related purposes and registered political parties for enrolment objection and campaigning purposes.

The EMC notes that the *Electoral Act 2002* already prescribes how enrolment information can be used and prohibits the disclosure or commercial use of enrolment information.<sup>137</sup> To ensure that debt collection agencies, in particular, do not continue to access the electoral roll, the EMC suggests that the VEC ensures access to the electoral roll is restricted according to the Act and considers appropriate measures to enforce the provisions.

**Recommendation 3.2: In relation to public access of the electoral roll, the Victorian Electoral Commission should note the importance of complying with and enforcing the provisions of the *Electoral Act 2002*.**

## Engaging communities

In Victoria, the *Constitution Act 1975* qualifies who is entitled to enrol as an elector for the Victorian Legislative Assembly and the Legislative Council.<sup>138</sup>

Voting is compulsory for any person that meets two requirements:

- An Australian citizen or a British subject who was listed on a Commonwealth electoral roll three months prior to 26 January 1984;<sup>139</sup> and
- Is 18 years of age or over.<sup>140</sup>

The right to vote is also confirmed in the United Nations’ Universal Declaration of Human Rights (Article 21, section 1 and 3) whereby it states:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.<sup>141</sup>

<sup>135</sup> Victorian Electoral Commission, *Submission No. 28*, p. 25.

<sup>136</sup> Victorian Electoral Commission, *Submission No. 28*, p. 25.

<sup>137</sup> *Electoral Act 2002* s 37.

<sup>138</sup> *Constitution Act 1975* s 48.

<sup>139</sup> *Constitution Act 1975* s 48(1)(a).

<sup>140</sup> *Constitution Act 1975* s 48(1)(b).

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.<sup>142</sup>

Despite these requirements and protections of an elector's rights and qualification to vote, electors are still required to satisfy other requirements concerning residency, capacity and behaviour. The following electors are disqualified from voting in Victoria:

- Persons of unsound mind;
- Persons convicted of treason or treachery under state or Commonwealth law who remain unpardoned;
- Persons serving a sentence of five years imprisonment or more for an offence against the state, territory or Commonwealth; and
- Persons who have not lived in their principal place of residence, as registered on the electoral roll, for three months prior to the election day.<sup>143</sup>

The EMC has chosen to investigate enrolment and strategies to engage the electorate because it accepts the right to vote is a primary responsibility of citizenship and along with other widely accepted rights, including freedom of association and peaceful assembly, and is fundamental to the ongoing development and sustainability of freedom and democracy in Victoria.

As part of its inquiry, the EMC has been informed about some of the barriers which people face in relation to enrolment and electoral engagement. The next section of the chapter reports on the strategies to overcome barriers for different communities. The EMC recognises that many Victorians have multiple community identifications and people may move through different communities at various stages over the course of their life highlighting the dynamic nature of electors' engagement.<sup>144</sup>

## Young persons

### Definition

As part of its inquiry, the EMC gathered evidence from UNYA who defined young persons as those aged between 15-24 years of age.<sup>145</sup> This differs from the age range used by the Australian Clearinghouse for Youth Studies,

---

<sup>141</sup> Article 21 s 1 cited in United Nations, *Universal declaration of human rights*, 1948. Retrieved 16 June 2008 from <http://www.un.org/Overview/rights.html>.

<sup>142</sup> Article 21 s 3 cited in United Nations, *Universal declaration of human rights*, 1948. Retrieved 16 June 2008 from <http://www.un.org/Overview/rights.html>.

<sup>143</sup> *Constitution Act 1975* s 48(2)(a)(b)(c)(d); *Electoral Act 2002* s 87(1)(c).

<sup>144</sup> For example, a person who is aged 24 years of age and who's parents are from a diverse cultural and linguistic background would belong to the following communities: "young persons" and "culturally and linguistically diverse communities".

<sup>145</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 2.

the Australian Medical Association and the World Health Organisation (10-24 years).<sup>146</sup> Nevertheless, since the EMC only received one submission about young persons' participation in the electoral system and this submission was provided by UNYA, an organisation driven by young persons, the EMC recognises that the 15-24 years age range more than adequately represents "young persons" for the purpose of this inquiry. UNYA also identified the diversity within this group, which is important as young persons, like any group, are not homogenous.<sup>147</sup>

## Demographic information

Up-to-date census statistics indicate that there are 673,895 young persons aged between 15-24 years living in the state of Victoria – approximately 17% of the Victorian population – of these 342,703 are male and 331,192 are female.<sup>148</sup>

## Enrolment

Australian research shows that awareness of being permitted to provisionally enrol to vote at 17 years of age is low.<sup>149</sup> The most up-to-date figures on provisional enrolment provided by the Electoral Council of Australia are for the years 2001, 2003 and 2004. Table 3.5 presents the number of 17 year olds who were provisionally enrolled in these years by states and territories.

The EMC notes that while there are significant differences in provisional enrolment between the states and territories, provisional enrolment is higher in most jurisdictions in an election year. Victoria also consistently records the highest percentage of provisional enrolments in Australia.

The VEC provided the EMC with a "snapshot" of the number of 17 year olds on the state electoral roll. A total of 14,972 17 year olds comprising of 6,860 males and 8,112 females were provisionally enrolled in Victoria as at November 2007.<sup>150</sup> These statistics suggest that 22.4% (14,972) of 17 year old Victorians are provisionally enrolled to vote and approximately 77.6% (51,859) of 17 year olds are not. These figures are significantly lower than those recorded in the 2004 federal election year, despite the "success" of the VEC's "birthday card" style offer of enrolment to 17 year old school students.

<sup>146</sup> Australian Clearinghouse for Youth Studies, *Definitions*, 2007. Retrieved 15 January 2008 from <http://acys.clients.squiz.net/resources/definitions/definitions>.

<sup>147</sup> A Bleby (President), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>148</sup> Australian Government, "2006 census tables, Victoria (state), age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

<sup>149</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 8.

<sup>150</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

**Table 3.5: Provisional enrolment by state, 2001, 2003, 2004**

|           | 2001   |     | 2003   |     | 2004   |     |
|-----------|--------|-----|--------|-----|--------|-----|
|           | No.    | %   | No.    | %   | No.    | %   |
| NSW       | 8,696  | 11% | 13,958 | 16% | 10,326 | 13% |
| VIC       | 18,318 | 31% | 10,649 | 17% | 21,880 | 38% |
| QLD       | 6,245  | 13% | 7,156  | 14% | 5,615  | 12% |
| WA        | 6,031  | 24% | 3,662  | 14% | 6,283  | 25% |
| SA        | 3,408  | 18% | 1,506  | 8%  | 4,311  | 24% |
| TAS       | 1,168  | 18% | 990    | 15% | 1,577  | 25% |
| ACT       | 807    | 19% | 267    | 6%  | 1,092  | 27% |
| NT        | 183    | 7%  | 110    | 4%  | 2,629  | 10% |
| AUSTRALIA | 44,856 | 18% | 38,298 | 15% | 51,336 | 22% |

Source: Electoral Council of Australia, *Continuous Roll Update Report 2002-2003, 2003-2004, 2004-2005*. Retrieved 5 February 2008 from <http://www.eca.gov.au/reports/index.htm>.

The EMC is also concerned about the proportion of young persons of eligible voting age who are not enrolled. The EMC noted that at the close of the electoral roll for the 2004 Australian federal election:

[A]pproximately 82% of young Australians (17-25 years of age) were enrolled (compared with 95% of other Australians) on the electoral roll ... the under-registration of eligible young people raises questions about their political interest and commitment to their civic responsibility.<sup>151</sup>

The EMC heard evidence from UNYA that young people might not enrol to vote, provisionally or otherwise, because they assume that compulsory voting equates with an automatic right to vote at elections. UNYA believes that this assumption could explain young peoples' lack of impetus to enrol to vote in state elections<sup>152</sup> and research confirms this.<sup>153</sup>

In its submission to the EMC, UNYA suggested that automatic enrolment be considered as an alternative method of enrolment, noting that:

A lack of engagement by a broad range of citizens, especially young people, suggests the need for alternative methods of enrolment. UNYA strongly believes that the automatic subscription of citizens to the electoral roll combats the trend of young people not enrolling.<sup>154</sup>

<sup>151</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, pp. 2-3, 23.

<sup>152</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 4.

<sup>153</sup> L McKay, *The decline of the franchise and the rise of the i-generation: A Western Australian perspective*, Institute of Public Administration of Australia, Curtin University and Department of Premier and Cabinet, Perth, 2006, p. 6.

<sup>154</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 4.

Giselle Diego, Divisional Policy Officer of UNYA confirmed this belief at the public hearing:

UNYA believes that automatic enrolment, coupled with comprehensive schemes notifying citizens of their new rights and responsibilities, would augment youth engagement in voting systems.<sup>155</sup>

This initiative has also found support with the Australian Government and academia.<sup>156</sup> The EMC supports UNYA's suggestion for research into easier methods of enrolling to vote in order to increase participation of young persons in the electoral system.

The EMC also notes that the Commonwealth Parliament's JSCEM in their inquiry into civics and electoral education recommended SMS text enrolment.<sup>157</sup> SMS text enrolment works by people texting their name and address to a free telephone number at the Electoral Commission and the person is then sent an enrolment form. SMS text enrolment was introduced in New Zealand for the 2005 federal election and the New Zealand Electoral Commission received 100,000 requests from young persons five months prior to the election.<sup>158</sup> The EMC maintains that the introduction of such a service would complement the VEC's initiative of sending an enrolment form to Victorians aged 17 years of age inviting them to provisionally enrol.

The Electoral Commissioner also informed the EMC that the VEC would look at strategies to inform young voters who may be travelling, about voting options available to them.<sup>159</sup> This initiative has the full support of the EMC.

**Recommendation 3.3: The Victorian Electoral Commission considers investigating the feasibility of introducing SMS text enrolment.**

## Electoral education

Current research suggests that a proportion of young persons are disengaged or uninterested in electoral matters. The Commonwealth Parliament's JSCEM reported that the majority of submissions to the inquiry into civics and electoral education characterised young persons as cynical

---

<sup>155</sup> G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>156</sup> P Brent, *Time to introduce automatic enrolment in Australia*, Democratic Audit of Australia, Canberra, 2008, p. 2; E Hunt, "Enrolling to vote made easy", *Herald Sun*, 21 February 2008, p. 30; N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 2.

<sup>157</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 25.

<sup>158</sup> L McKay, *The decline of the franchise and the rise of the i-generation: A Western Australian perspective*, Institute of Public Administration of Australia, Curtin University and Department of Premier and Cabinet, Perth, 2006, p. 6.

<sup>159</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 20.



and apathetic,<sup>160</sup> similar characterisations to those used in the United Kingdom (UK).<sup>161</sup>

The Youth Electoral Study which investigated young Australians' attitudes to and knowledge of the Australian electoral system, including their preparedness to vote, reported that:

- About one in two students feel they lack the knowledge to understand the issues, the political parties, to make a decision about voting, and in general to vote;
- Young people do not perceive themselves generally as well prepared to participate in voting;
- Generally, young people don't understand the voting system; and
- Female students feel less prepared to vote, in terms of knowledge, than the males.<sup>162</sup>

Despite research suggesting young persons' poor electoral literacy, a study currently being conducted by researchers at the Western Sydney Centre of Educational Research is investigating young persons' (aged between 15-25 years) attitudes about Australian national identity. To date, the study is showing that democracy has featured in the top three important Australian characteristics along with safety and mateship.<sup>163</sup> While the findings are heartening, the EMC notes that democracy, being a key part of Australia's national identity, may not translate into young persons' knowledge of the Victorian electoral system.

UNYA believes that to encourage young people's engagement with the electoral process and support the perpetuation of democracy, electoral education for young people under the age of 18 years should be a priority. UNYA indicated that formal compulsory education programs for young people should include topics such as enrolment, the voting system in Australia and how to cast a formal vote.<sup>164</sup> In their submission, UNYA noted that:

There needs to be a stronger civics education focus in the high school curriculum, and we believe this should be a compulsory component in the pre-VCE years.<sup>165</sup>

---

<sup>160</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 8.

<sup>161</sup> A Russell, E Fieldhouse, K Purdam & V Kalra, *Voter engagement and young people*, The Electoral Commission, London, 2002, p. 21.

<sup>162</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 13.

<sup>163</sup> V Campion, "Young say mateship best trait", *The Daily Telegraph*, 22 January 2008, p. 2.

<sup>164</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 1.

<sup>165</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 1.

In evidence before the EMC, Giselle Diego, Divisional Policy Officer of UNYA, explained the rationale for electoral education to start with students under the age of 16 years. She said:

If students are educated at a younger age, by the time they reach the voting age they can easily understand those policies and decipher politicians, policies and politician-speak at the same level as any other adult could.<sup>166</sup>

Electoral education as part of the school syllabus is supported by researchers and stakeholders as is greater collaboration between electoral commissions and schools.<sup>167</sup> This is not surprising, as the Youth Electoral Study established a relationship between education, political awareness and engagement. In summary, their main finding was that:

This report has established, in a preliminary manner, that a wide range of political activities experienced in schools or during adolescent years in community organisations, can have beneficial effects on attitudes towards, and intentions to engage in adult political behaviour, such as voting. Therefore the experiences of young adults in secondary school are crucial determinants, as we see it, to the kind of politically aware and active citizens they become as mature adults.<sup>168</sup>

Internationally, the benefits of citizenship education are also reported, for example in the *Governance of Britain* Green Paper which states:

Citizenship education has been a compulsory part of the school curriculum for all 11-16 year olds since 2002 and has had an impact on those young people who have studied it. ... Since the introduction of citizenship education, real progress has been made.<sup>169</sup>

Evidence gathered as part of this inquiry indicates the importance of electoral education in raising the political awareness and engagement of young persons. The EMC is interested to hear from Victoria's Department of Education and Early Childhood Development about the capacity to strengthen compulsory electoral education in secondary schools (pre-VCE).

**Recommendation 3.4: Victoria's Department of Education and Early Childhood Development inform the Electoral Matters Committee about the capacity to strengthen compulsory electoral education in secondary schools (pre-VCE).**

## Information in accessible formats

For the 2006 Victorian state election, the EMC heard that the VEC developed the following information and motivational resources and activities designed to meet the needs of young persons:

<sup>166</sup> G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>167</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3; L McKay, *The decline of the franchise and the rise of the i-generation: A Western Australian perspective*, Institute of Public Administration of Australia, Curtin University and Department of Premier and Cabinet, Perth, 2006, p. 5.

<sup>168</sup> LJ Saha, M Print & K Edwards, *Youth electoral study: Youth, political engagement and voting*, Australian Electoral Commission, Canberra, 2005, p. 28.

<sup>169</sup> Crown, *The Governance of Britain*, United Kingdom Parliament, London, 2007, p. 55.

- *All about democracy: A guide to voting and elections in Victoria*, published in *The Age* on 16 October 2006;
- *Reggie and Desi's excellent voting adventure*, an interactive CD;
- *Fast facts: Voting in Victoria*, a pocket sized card encouraging enrolment and interest in the voting system among school aged students; and
- *Make your design count* invited tertiary and TAFE level students to design a poster to promote enrolment and voting among 17 to 25 year olds.<sup>170</sup>

The AEC also produces a variety of educational materials such as *Democracy Rules* resources, videos and publications.<sup>171</sup>

At the public hearings, the EMC heard that information should be provided via the internet, community radio, youth commercial radio and in environments which young people visit.<sup>172</sup> The VEC did not run any electoral advertising on youth radio stations for the 2006 Victorian state election.<sup>173</sup>

Research has found that young persons' most important sources of information about voting in elections include parents, television, newspapers and school teachers.<sup>174</sup>

The EMC notes contradictory findings about the internet as an information source. While a high percentage of young persons use the internet,<sup>175</sup> research suggests that as an information source on voting the internet has little impact for young persons.<sup>176</sup> Nevertheless, the VEC's submission noted that its website was the most popular means of accessing enrolment forms two months prior to the election day,<sup>177</sup> however the number of young persons who used this method is unknown.

---

<sup>170</sup> Victorian Electoral Commission, *Submission No. 20*, p. 36.

<sup>171</sup> Australian Electoral Commission, *Education resources*, 2007. Retrieved 1 February 2008 from <http://www.aec.gov.au/Education/index.htm>.

<sup>172</sup> G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>173</sup> Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, State of Victoria, Melbourne, 2007, pp. 132-134.

<sup>174</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 14; K Edwards, LJ Saha & M Print, *Youth electoral study: Youth, the family, and learning about politics and voting*, Australian Electoral Commission, Canberra, 2006, p. 10; No author, "TV shapes", *Cranbourne Leader*, 21 November 2007, p. 8.

<sup>175</sup> Australian Government, *Use of the internet by householders*, Australian Bureau of Statistics, Canberra, 2000, p. 5.

<sup>176</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 13; K Edwards, LJ Saha & M Print, *Youth electoral study: Youth, the family, and learning about politics and voting*, Australian Electoral Commission, Canberra, 2006, p. 10.

<sup>177</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 36-39.

UNYA proposed the inclusion of a summary of the Parliament of Victoria's activities on the Parliament's website to facilitate young persons' understanding of the daily workings of Parliament. Examples provided to the EMC included the Commonwealth Parliament website "what's happening this week"<sup>178</sup> and the UK Parliament's "what's on"<sup>179</sup> and "parliamentary calendar".<sup>180</sup> The EMC is of the view that this initiative would be of benefit to young persons and the wider community and is worthy of further consideration by the Parliament of Victoria's Education Office.

In response to UNYA's suggestion, EMC member Murray Thompson MP, initiated a discussion about the benefits of a weekly legislative report in a major Victorian newspaper:

Mr Thompson—Do you think there would be some merit in there being a legislative report in the daily press that gave a more objective overview of the bill at hand and the different contributions from the government, opposition, The Nationals, and Independent?

Ms Bleby—I would definitely say that is a good idea. ... [I] definitely think we need those sorts of initiatives in terms of having explanatory memos, articles and that sort of thing with a sort of as-neutral-as-possible summary of the processes the bill went through, what it is meant to do, and deciphering legal language and all of those sorts of things. Giving people the opportunity to understand that kind of information is a hugely empowering process. I think that would also encourage people to seek more information for themselves, because it is sometimes about finding the starting point. That would also be a huge step in terms of showing Parliament's will to engage people in what they are discussing.<sup>181</sup>

The EMC notes that this is an appropriate suggestion as newspapers have been cited as secondary sources of information for young persons about voting.<sup>182</sup> The Commonwealth Parliament's JSCEM also described young persons as "media savvy" and able to digest news and current affairs critically.<sup>183</sup> Although the EMC is unaware of the print media's position regarding this proposal, it acknowledges the proposal may be worthy of further consideration by the Parliament of Victoria's Education Office.

The discussion about sources of information provision was also extended to television. Giselle Diego, Divisional Policy Officer of UNYA, indicated that "politics only receives a 10-minute slot in the nightly news" and that political programs screen late at night on a non-commercial television station. She

<sup>178</sup> See <http://www.aph.gov.au/thisweek/index.htm>

<sup>179</sup> See [http://www.parliament.uk/business/what\\_s\\_on.cfm](http://www.parliament.uk/business/what_s_on.cfm)

<sup>180</sup> See <http://services.parliament.uk/calendar/>

<sup>181</sup> A Bleby (President), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 8.

<sup>182</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 14; K Edwards, LJ Saha & M Print, *Youth electoral study: Youth, the family, and learning about politics and voting*, Australian Electoral Commission, Canberra, 2006, p. 10.

<sup>183</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 20.

argued that the media has a role to play in the provision of electoral education.<sup>184</sup>

Finally, UNYA proposed that the VEC should consider educating young people in the time between enrolment and voting for the first time. Possible initiatives included the development and distribution of a non-partisan “how to vote” card.<sup>185</sup>

**Recommendation 3.5: For the 2010 Victorian state election, the Victorian Electoral Commission considers advertising electoral education material on youth radio stations.**

**Recommendation 3.6: The Parliament of Victoria’s Education Office considers including a summary of the Parliament’s activities on its website and liaising with print media outlets about the inclusion of a weekly legislative report in a major Victorian newspaper.**

## Optional voting for 16 and 17 year olds

UNYA proposed the introduction of optional voting for young people aged 16 and 17 years. In its submission, UNYA stated that:

We believe there would be considerable value in allowing optional voting from the age of 16. This would empower a significant number of young people who are capable of participating in the democratic process, contribute to education of young voters and make our democracy more representative.<sup>186</sup>

Victoria’s peak youth body, the Youth Affairs Council of Victoria has also called for the “Victorian Government to explore the issue” especially as young persons are affected by taxation, education and government policy decisions.<sup>187</sup>

Similarly, the report of the Parliament of the Australian Capital Territory’s (ACT) *Inquiry into the eligible voting age* cited the following reasons in favour of extending the franchise:

- Those with an awareness and interest should be able to make the choice about whether they vote;
- Age is not a measure of maturity;
- You can not deny an entire group the right to vote because some might abuse the right; and

---

<sup>184</sup> G Diego (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>185</sup> P Niklas (Divisional Vice President), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>186</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 4.

<sup>187</sup> A Walliker, "Support for lower vote age", *Herald Sun*, 28 September 2007, p. 12.

- There are currently no policies aimed at 16 year olds, so the vote would be an incentive for politicians to take notice of the needs and interests of this group.<sup>188</sup>

Article 12 of the United Nation’s Convention on the Rights of the Child also requires that all nation states:

Shall assure to the child who is capable for forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.<sup>189</sup>

Robert Ludbrook, formerly a Director of the National Children’s and Youth Law Centre in Sydney, noted that “young people themselves have expressed a consistent preference for optional voting”.<sup>190</sup> He summed up the arguments for optional voting, rather than lowering the compulsory voting age, as follows:

One argument is that some young people who are not interested in politics or have not formed views of their own should not be forced to cast a vote. Another argument is that 16 and 17 year olds vary in maturity and that optional voting acknowledges this.<sup>191</sup>

The EMC notes a number of arguments against lowering the voting age or optional voting. First, voting has been perceived to be the least exciting rite-of-passage for young persons.<sup>192</sup> Second, young persons are “incapable of understanding the nature and significance of enrolment and voting”, the provision which disqualifies persons of unsound mind.<sup>193</sup> This case is based on young persons’:

- Lack of maturity;
- Not enough life experience on which to base decisions;
- Lack of interest; and
- Ignorance.<sup>194</sup>

<sup>188</sup> Parliament of the Australian Capital Territory, *Inquiry into the eligible voting age*, Standing Committee on Education, Training and Young People (Mary Porter AM MLA, Chair), Canberra, 2007, p. 15.

<sup>189</sup> United Nations, *Convention on the rights of the child*, 1989. Retrieved 1 February 2008 from <http://www.unhchr.ch/html/menu3/b/k2crc.htm>.

<sup>190</sup> R Ludbrook, "Children and the political process", *Australian Journal of Human Rights*, vol. 2, no. 2, Autumn 1996. Retrieved 21 May 2008 from <http://www.austlii.edu.au/au/journals/AJHR/1996/9.html>.

<sup>191</sup> R Ludbrook, "Children and the political process", *Australian Journal of Human Rights*, vol. 2, no. 2, Autumn 1996. Retrieved 21 May 2008 from <http://www.austlii.edu.au/au/journals/AJHR/1996/9.html>.

<sup>192</sup> M Print, L Saha & K Edwards, *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p. 18.

<sup>193</sup> *Constitution Act 1975* s 48(2)(d).

<sup>194</sup> C Gribbin, *Lowering the voting age*, Victorian Electoral Commission, Melbourne, 2004, p. 3.

A number of concerns also emerged from the literature about the implications of introducing a system of optional voting for 16 and 17 year olds including:

- The establishment of a two-tier electoral system;
- Different criteria to vote, but vote is given the same value;
- Electors may be confused if voting is optional for 16 and 17 year olds but compulsory for people 18 years and over; and
- Different criteria for being registered on the state and Commonwealth electoral roll would be fraught with administrative difficulties and problems.<sup>195</sup>

The EMC notes that given that the voting age is entrenched in the *Electoral Act 2002*, any change would require strong public and political support.

Optional voting for those aged 16 and 17 years was only raised by one submission to the EMC.<sup>196</sup> Although lowering the voting age has been recently considered in Australia by parliamentary committees,<sup>197</sup> private members bills<sup>198</sup> and internationally,<sup>199</sup> only the Parliament of the ACT has recommended the proposal be considered by their Parliament; all other proposals and bills lapsed or were defeated.

The EMC considered the evidence about optional voting. The EMC's view is that while there is interest in optional voting and the preservation of compulsory voting, there has not been broad support.

---

<sup>195</sup> C Gribbin, *Lowering the voting age*, Victorian Electoral Commission, Melbourne, 2004, p. 11; Parliament of the Australian Capital Territory, *Inquiry into the eligible voting age*, Standing Committee on Education, Training and Young People (Mary Porter AM MLA, Chair), Canberra, 2007, p. 36.

<sup>196</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 4.

<sup>197</sup> Parliament of New South Wales, *Inquiry into voter enrolment*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2006, pp. 45-47; Parliament of Queensland, *Voices and votes: A Parliamentary inquiry into young people engaging in democracy*, Legal, Constitutional and Administrative Review Committee (Lesley Clark MP, Chair), Brisbane, 2006, p. 61; Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 25; Parliament of the Australian Capital Territory, *Inquiry into the eligible voting age*, Standing Committee on Education, Training and Young People (Mary Porter AM MLA, Chair), Canberra, 2007.

<sup>198</sup> Examples from the Parliaments of South Australia, New South Wales and the ACT Legislative Assembly are cited in Parliament of the Australian Capital Territory, *Inquiry into the eligible voting age*, Standing Committee on Education, Training and Young People (Mary Porter AM MLA, Chair), Canberra, 2007, p. 28.

<sup>199</sup> Joseph Rowntree Charitable Trust and Joseph Rowntree Reform Trust, *Power to the people: The report of power: An independent inquiry into Britain's democracy* (Helena Kennedy QC, Chair), York Publishing Distribution, York, 2006, pp. 199-201; Crown, *The Governance of Britain*, United Kingdom Parliament, London, 2007, p. 55.

## Older persons

### Definition

Currently there is no United Nations standard numerical criterion for “older person”. While the definition of an older person is often linked to the age of retirement of people from the paid work force,<sup>200</sup> this definition is problematic in Australia as, with the exception of a few workplaces, there is no statutory retirement age and people are encouraged to continue their participation in the workforce.<sup>201</sup> The World Health Organization notes that the definition of an older person in a “developed” country such as Australia is a person who is aged 65 years or older.<sup>202</sup> The EMC feel that this age more than adequately represents older persons for the purpose of this inquiry.

### Demographic information

Up-to-date statistics indicate that there are 674,905 people aged 65 years and over living in Victoria. Out of these, 299,216 are male and 375,689 are female.<sup>203</sup> Compared with their younger counterparts (7,928), a higher number of older people do not speak English well or at all (62,137).<sup>204</sup> Poor literacy may impact on an older person’s ability to participate in the electoral process, as well as other factors such as living arrangements, health and/or disability.

Increasing older persons’ access to the political process is worthy of consideration by the EMC because by 2031 the Australian Bureau of Statistics predicts that 27% of all Australians of voting age (18 years and over) will be 65 years or older.<sup>205</sup> International research also shows that ageing impacts on voter enrolment and participation.<sup>206</sup> Furthermore, the EMC heard evidence from the Council on the Ageing about issues facing older persons in the Victorian community, such as isolation and a lack of

<sup>200</sup> World Health Organization, *Definition of an older or elderly person*, 2007. Retrieved 17 October 2007 from <http://www.who.int/healthinfo/survey/ageingdefnolder/en/index.html>.

<sup>201</sup> Australian Government, *Retirement ages*, Department of Health and Ageing, 2004. Retrieved 10 April 2008 from <http://www.seniors.gov.au/internet/seniors/publishing.nsf/Content/Retirement+ages>.

<sup>202</sup> World Health Organization, *Definition of an older or elderly person*, 2007. Retrieved 17 October 2007 from <http://www.who.int/healthinfo/survey/ageingdefnolder/en/index.html>.

<sup>203</sup> Australian Government, "2006 census tables, Victoria (state), age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

<sup>204</sup> Australian Government, "2006 census tables, Victoria (state), proficiency in spoken English/language by age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2007. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

<sup>205</sup> Australian Government, "Population projections: Our ageing population", *Australian social trends*, Australian Bureau of Statistics, 1999. Retrieved 30 May 2008 from <http://www.abs.gov.au/ausstats/ABS@.nsf/2f762f95845417aeca25706c00834efa/a2cd8d204f84e882ca2570ec001117a1!OpenDocument>.

<sup>206</sup> TB Jankowski, "A comprehensive model of aging and voting participation", PhD thesis, Wayne State University, Detroit, 2000.



social support networks, which have the potential to impact on their participation in the electoral process.<sup>207</sup>

## Utilisation of community service providers

The Council on the Ageing suggested that community service providers who regularly come into contact with older people were in an ideal position to distribute VEC information about elections and electoral matters to them. The Council on the Ageing indicated that the service providers and workers, among others, who could assist with this included:

- In-home support workers;
- Home and community care services;
- Planned activity groups at community health centres;
- Royal District Nursing Service staff;
- Aged Care Assessment Teams;
- Residential Care Managers and staff; and
- Other specialist service providers.

The EMC views the provision of information about services available to assist older persons participate in the electoral process as an important part of the VEC's education program and supports the VEC building relationships with the aforementioned service providers.

**Recommendation 3.7: The Victorian Electoral Commission considers establishing relationships with community service providers to assist with the distribution of electoral information to older persons.**

## Information in accessible formats

The EMC heard from the Council on the Ageing that older people are less likely to have access to the internet at their place of residence. This is not surprising as the most up-to-date statistics show that the "likelihood ... an adult was an internet user decreased as [their] age increased".<sup>208</sup> For example, 23% of people aged 55 years or over used a computer at home but of these only 13% accessed the internet (see Table 3.6).<sup>209</sup>

---

<sup>207</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 2-3.

<sup>208</sup> Australian Government, *Use of the internet by householders*, Australian Bureau of Statistics, Canberra, 2000, p. 7.

<sup>209</sup> There are no statistics available for persons aged 65 years and over.

**Table 3.6: Computer and internet use of adults aged 55 years or over**

|                 | Home (%) | Work (%) | Other (%) | Any site (%) |
|-----------------|----------|----------|-----------|--------------|
| Computer use    | 23       | 12       | 14        | 32           |
| Internet access | 13       | 8        | 6         | 19           |

Source: Commonwealth of Australia, *Use of the internet by householders*, Australian Bureau of Statistics, Canberra, 2000, pp. 6, 8.

The EMC recognises that these statistics are eight years old and since then older persons' competency in using the internet would have increased.

Nevertheless, the Council on the Ageing suggested that the VEC consider engaging with older persons by visiting planned activity groups to verbally communicate information and distribute leaflets in an accessible format.<sup>210</sup> This initiative was welcomed by the Australian Greens (Victoria) who supported an increased role for the VEC in delivering electoral education through senior citizens' centres.<sup>211</sup>

The EMC notes the formats of information preferred by older persons and supports the VEC collaborating with relevant organisations to develop community presentations and brochures.

**Recommendation 3.8: The Victorian Electoral Commission considers conducting electoral education for older persons and distribute brochures at planned activity groups and senior citizen centres.**

### Exemption of voters

The EMC notes that the Council on the Ageing does not support the exemption of voters who, at the time of the council election, are aged 70 years, as stated in regulation 116(2)(b) of the *Local Government (Electoral) Regulations 2005*. Julie Nelson, a policy member for the Council on the Ageing said that older people "value their participation in democracy and very few of them want to be exempted if they can possibly participate".<sup>212</sup> While not directly related to this inquiry, this statement is noted by the EMC.

<sup>210</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>211</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

<sup>212</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

## Persons with poor literacy skills

### Definition

The Working Committee on the National Adult Literacy Survey defined literacy as an individual's ability to use:

[P]rinted and written information to function in society, to achieve one's goals, and to develop one's knowledge and potential.<sup>213</sup>

The domains of literacy relevant to this inquiry include prose literacy, document literacy, numeracy and problem-solving. These are defined as:

*Prose literacy*: the ability to understand and use information from various kinds of narrative texts, including texts from newspapers, magazines and brochures.

*Document literacy*: the knowledge and skills required to locate and use information contained in various formats including job applications, payroll forms, transportation schedules, maps, tables and charts.

*Numeracy*: the knowledge and skills required to effectively manage and respond to the mathematical demands of diverse situations.

*Problem solving*: goal-directed thinking and action in situations for which no routine solution is available.<sup>214</sup>

These literacy skills are measured and scaled from 0 to 500 and for ease of interpretation, represented by five skill levels. For example, Level 1 (0-225) is the lowest measure of literacy while Level 5 (376-500) is the highest. The *Adult Literacy and Life Skills Survey* define Level 3 (276-325) as the:

[M]inimum [level] for persons to understand and use information contained in the increasingly difficult texts and tasks that characterize the emerging knowledge society and information economy.<sup>215</sup>

Accordingly, a person with poor literacy skills would be located at Level 1 (0-225) or Level 2 (226-275).<sup>216</sup>

### Demographic information

The *2006 Adult Literacy and Life Skills Survey* reported the following statistics about persons with poor literacy in Australia. Of those Australians aged 15 to 74 years:

- Approximately 7 million (46%) people had poor prose literacy;
- 7 million (47%) people had poor document literacy;

---

<sup>213</sup> Canada & OECD, *Learning a living: First results of the adult literacy and life skills survey*, Statistics Canada and OECD, Paris, 2005, p. 280.

<sup>214</sup> Australian Government, *Adult, literacy and life skills survey: Summary results*, Australian Bureau of Statistics, Canberra, 2006, p. 4.

<sup>215</sup> Canada & OECD, *Learning a living: First results of the adult literacy and life skills survey*, Statistics Canada and OECD, Paris, 2005, p. 35.

<sup>216</sup> Canada & OECD, *Learning a living: First results of the adult literacy and life skills survey*, Statistics Canada and OECD, Paris, 2005, p. 35.

- 4.7 million (31%) had poor numeracy skills; and
- Approximately 10.6 million (70%) had poor problem solving skills.<sup>217</sup>

Cathy Basterfield, Speech Pathology Consultant with the Communication Resource Centre at Scope Victoria Limited explained that these statistics mean that close to 50% of Australian adults could be expected to experience difficulty with reading and writing, as well as understanding and interpreting information in everyday life.<sup>218</sup>

Factors associated with poor literacy skill include age, gender, language, education status, labour force participation, income, and use of information communication technology. Australians with poor literacy skills tended to be:

- Older persons, as literacy levels decrease with age, with the exception of young persons 15-19 years;
- Persons without a formal educational qualification;
- Unemployed or persons not in the labour force;
- Low-income earners;
- Persons who were not regular Internet users; and
- Persons whose first language was not English.<sup>219</sup>

### Information in accessible formats

Cathy Basterfield noted that the levels of literacy skills presented to the EMC could be extrapolated to understand how people with poor literacy skills may experience voting. She stated that with ballot papers and instructions written in complex language:

Many people were unable to read information about the election and/or make meaningful choices about the Victorian election.<sup>220</sup>

This is confirmed in the literature by learning disability researchers Bell, McKay and Phillips. In their research on barriers to voting for persons with complex communication needs, they note that:

Difficulties may be encountered in actually filling in the electoral registration form, especially for people who live in relatively unsupported group living situations and who have few or no literacy skills.<sup>221</sup>

---

<sup>217</sup> Australian Government, *Adult, literacy and life skills survey: Summary results*, Australian Bureau of Statistics, Canberra, 2006, p. 5.

<sup>218</sup> C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>219</sup> Australian Government, *Adult, literacy and life skills survey: Summary results*, Australian Bureau of Statistics, Canberra, 2006, pp. 9-13.

<sup>220</sup> Scope Victoria Limited, *Submission No. 7*, p. 2.

The EMC heard that Easy-English – “a message written with the reader in mind using clear and simple language” – is useful for persons who have poor literacy.<sup>222</sup> Characteristics of Easy-English include:

- Text of an easily readable size;
- The use of pictures, logos, graphics, symbols and photos, which are related to the text, and placed close to that text to enhance the text;
- No visual overcrowding of text or graphics;
- Simplified vocabulary and lack of jargon;
- Using active voice and action verbs;
- Using personal pronouns to address the reader; and
- Short sentences.<sup>223</sup>

The EMC notes the different types of Easy-English including:

*Easy English with Words:* Text is modified and presented in clear, simple, concrete language and concepts.<sup>224</sup>

*Easy English with Symbol Markers for Setting Topics:* Text is modified and presented in clear, simple, concrete language and concepts and has symbols to assist locating information.<sup>225</sup>

*Easy English with Symbols for Paragraphs:* Text is modified and presented in clear, simple, concrete language and concepts with a series of symbols to illustrate the paragraph.<sup>226</sup>

*Easy English with Symbols for Key Words:* Easy English is transcribed with symbols to represent each key word or concept in the text.<sup>227</sup>

---

<sup>221</sup> DM Bell, C McKay & KJ Phillips, "Overcoming the barriers to voting experienced by people with learning disabilities", *British Journal of Learning Disabilities*, vol. 29, no. 4, 2001, p. 125.

<sup>222</sup> C Basterfield, paper presented at the how to develop accessible written information workshop, Melbourne, Australia, 26 November 2007, p. 3.

<sup>223</sup> B Pavey, "Citizenship and special educational needs: what are you going to do about teaching them to vote?" *Support for Learning*, vol. 18, no. 2, 2003, pp. 58-65; Norah Fry Research Centre, *Information for all: Words and language*, University of Bristol, Bristol, 2004, pp. 4-13; Norah Fry Research Centre, *Information for all: Using pictures*, University of Bristol, Bristol, 2004, pp. 1-10; Norah Fry Research Centre, *Information for all: Using symbols*, University of Bristol, Bristol, 2004, pp. 4-21; Norah Fry Research Centre, *Information for all: Design and layout*, University of Bristol, Bristol, 2004, pp. 4-13; Communication Resource Centre, *Easy English writing style guide*, Scope Victoria Limited, Box Hill, 2007, pp. 7-15.

<sup>224</sup> Victorian Government, *Accessible communication: Workplace guide*, Department of Education and Early Childhood Development, Melbourne, 2007, p. 32.

<sup>225</sup> Victorian Government, *Accessible communication: Workplace guide*, Department of Education and Early Childhood Development, Melbourne, 2007, p. 32.

<sup>226</sup> Victorian Government, *Accessible communication: Workplace guide*, Department of Education and Early Childhood Development, Melbourne, 2007, p. 32.

<sup>227</sup> Victorian Government, *Accessible communication: Workplace guide*, Department of Education and Early Childhood Development, Melbourne, 2007, p. 32.

For further information about Easy-English, the EMC was referred by Cathy Basterfield to:

- *Easy English Style Writing Guide*;<sup>228</sup>
- *Guidelines for making information accessible*;<sup>229</sup> and
- *Checklist for Easy English Documents*.<sup>230</sup>

The EMC heard that the Communication Resource Centre, in conjunction with the VEC, developed Easy-English local and state government election resources. Resources relevant to the 2006 Victorian state election included:

- *Voting in Victoria – State Government Elections* (available as hard copy and free download from VEC website); and
- *How to Vote* (available as a poster).<sup>231</sup>

The EMC congratulates the VEC and the Communication Resource Centre at Scope Victoria Limited for their work. The EMC encourages further collaboration and is particularly interested in the possibility of practical solutions that may simplify the current enrolment form and other electoral information.

### Figure 3.2: Symbol used to represent documents in Easy-English.



Source: Communication Resource Centre, *Easy English writing style guide*, Scope Victoria Limited, Box Hill, 2007, p. 1.

The EMC acknowledges that translating documents into Easy-English has a number of time and financial costs. However, the benefits of assisting persons who have poor literacy skills understand the voting process and increase their participation in the electoral process is of great value. Moreover, the EMC heard that the Easy-English publication *Voting in Victoria – State Government Elections* was the most highly requested

<sup>228</sup> See Communication Resource Centre, *Easy English writing style guide*, Scope Victoria Limited, Box Hill, 2007.

<sup>229</sup> See Communication Resource Centre, *Guidelines for making information accessible*, Scope Victoria Limited, Box Hill, 2003.

<sup>230</sup> See Communication Resource Centre, *Checklist for Easy English documents*, Scope Victoria Limited, Box Hill, 2007.

<sup>231</sup> Scope Victoria Limited, *Submission No. 7*, p. 1.

resource prior to the 2006 Victorian state election.<sup>232</sup> With this in mind, the EMC supports key brochures developed by the VEC being in Easy-English and any lengthy publication providing an executive summary in Easy-English. As Cathy Basterfield summed up, “this will ensure more people are informed and can make meaningful choices at future elections”.<sup>233</sup>

The Internet is increasingly a focal point for customer service, especially for government services. This is of concern to Scope Victoria Limited and disability advocates because persons with complex communication needs and poor literacy often experience difficulties navigating and accessing websites.<sup>234</sup>

The EMC notes that accessibility of websites is an emerging issue for the Parliament of Victoria and government agencies.

**Recommendation 3.9: The Victorian Electoral Commission considers publishing its key electoral information and resources in accessible formats and Easy-English.**

**Recommendation 3.10: The Victorian Electoral Commission considers investigating simplifying the current enrolment form.**

---

<sup>232</sup> Scope Victoria Limited, *Submission No. 7*, p. 2.

<sup>233</sup> Scope Victoria Limited, *Submission No. 7*, p. 2.

<sup>234</sup> J Nielsen, *Digital divide: The three stages*, 2006. Retrieved 22 January 2008 from <http://www.useit.com/alertbox/digital-divide.html>; C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

---

## Chapter Four: Enrolment and engagement – Part B

This chapter continues the EMC's discussion of issues raised throughout the inquiry about electors' engagement in the electoral process. The chapter outlines and analyses the evidence the EMC received about enrolment, electoral literacy and resources to increase participation among electors from different populations and communities. The evidence is presented under the following categories:

- Indigenous persons;
- Persons from culturally and linguistically diverse backgrounds;
- Persons from new and emerging communities;
- New citizens;
- Persons with disabilities;
- Persons experiencing homelessness; and
- Prisoners.

The chapter concludes with a discussion of the EMC's future research direction.

### Engaging communities (continued)

#### Indigenous persons

##### Definition

There are over 60 different definitions of Indigenous Australians in Australian legislation.<sup>235</sup> The United Nations defines an Indigenous person as the:

---

<sup>235</sup> J McCorquodale, "The legal classification of race in Australia", *Aboriginal History*, vol. 10, no. 1, 1986, pp. 7-24.



[I]nheritors and practitioners of unique cultures and ways of relating to other people and to the environment. Indigenous peoples have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. ... Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands and resources; yet throughout history, their rights have been violated. Indigenous people are arguably among the most disadvantaged and vulnerable groups of people.<sup>236</sup>

A three part definition of an Indigenous person – descent, self-identification, community – has been adopted in Australia.<sup>237</sup> In Victoria the *Aboriginal Heritage Act 2006* defines an Indigenous person as:

[A] person belonging to the indigenous peoples of Australia, including the indigenous inhabitants of the Torres Strait Islands, and any descendants of those peoples.

The EMC notes the complexity of the definition of Indigenous person and that the definition of an Indigenous person as provided by the Act is suitable for the purposes of this inquiry.

## Demographic information

Up-to-date statistics show that there were 30,141 Indigenous persons living in Victoria at the time of the 2006 census: 0.6% of the total Victorian population. Out of these, approximately 16,000 Indigenous Victorians are of eligible voting age.<sup>238</sup> In Victoria, Indigenous persons live in major cities (49%), regional areas (50.75%) or remote communities (0.25%) in Victoria. The most densely populated Indigenous communities in Victoria are:

- Barwon-South Western: Framlingham, Geelong, Hamilton, Heywood, Portland and Warrnambool;
- Eastern Metropolitan: Healesville and Ringwood-Croydon;
- Gippsland: Bairnsdale, Lakes Entrance, Lake Tyers, Morwell-Moe-Yallourn-Orbost-Cann River, Sale and Warragul-Drouin;
- Grampians: Ballarat, Halls Gap and Horsham;
- Hume: Seymour, Shepparton-Mooroopna, Wangaratta and Wodonga;
- Loddon Mallee: Bendigo, Echuca, Kerang, Kyabram, Robinvale, Swan Hill and Mildura;
- Southern Metropolitan: Dandenong, Frankston, Hastings, St Kilda; and

---

<sup>236</sup> United Nations, *Indigenous peoples and the United Nations system: An overview (Leaflet no. 1)*, Office of the United Nations High Commissioner for Human Rights, No date. Retrieved 18 October 2007 from <http://www.ohchr.org/english/about/publications/docs/indileaflet1.doc>.

<sup>237</sup> G Gardiner-Garden, *The definition of Aboriginality*, Parliamentary Library, Parliament of Australia, 2000. Retrieved 21 May 2008 from <http://www.aph.gov.au/LIBRARY/pubs/rn/2000-01/01RN18.htm>.

<sup>238</sup> Australian Government, "2006 census tables, Victoria (state), Indigenous status by age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

- North & West Metropolitan: Broadmeadows, Maribyrnong, Thornbury-Fitzroy, Werribee and Whittlesea.<sup>239</sup>

The majority of Indigenous Victorians are monolingual. The 2006 Australian census suggests that a total of 27,518 Indigenous Victorians speak English only and 1,408 speak English and/or another language.<sup>240</sup>

Greta Clarke, Research Officer with VALS, outlined factors which hinder Indigenous Victorians' engagement with the Victorian electoral system. The EMC heard that while feelings of ignorance and ambivalence may be common among non-Indigenous and Indigenous Victorians about parliamentary elections, there are factors which are particular to the Indigenous community. These include:

- The complicated history of the Aboriginal vote and its legacy;
- Relatively low formal educational attainment and poor literacy of Indigenous persons;
- Indigenous persons may change residences more frequently than non-Indigenous Australians;
- Fears and misconceptions; and
- Lack of meaningfulness of the voting system for Indigenous Australians.<sup>241</sup>

## Enrolment

The EMC heard that some Indigenous Australians experience difficulties completing enrolment forms. This relates to low rates of completion of formal education, poor literacy levels, and registering to vote often being a low priority issue. Greta Clarke noted:

It might sound very easy for us [those at the public hearing] to fill out a form, but the literacy issue and also the problems that the Aboriginal community faces, juggling all these balls and having different priorities ... [m]aybe their priority is food that day and not filling out a form. ... [I]f you streamline the process and make it simpler and take away the complications, then it will be more likely that Aboriginal people are at least eligible to vote.<sup>242</sup>

While the EMC supports investigating alternative methods to enrol to vote, it was informed that many Indigenous persons are wary of surveillance and

<sup>239</sup> Victorian Government, *Victoria Government Indigenous Affairs report: July 2005 - June 2006*, Department of Planning and Community Development, Melbourne, 2007, p. 10.

<sup>240</sup> Australian Government, "2006 census tables, Victoria (state), language spoken at home by proficiency in spoken English language", *2006 Census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

<sup>241</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>242</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 5-6.

record keeping because of the associations in the past with “close supervision and the ever-present threat of withdrawal of rights”.<sup>243</sup> If direct enrolment methods were introduced, the EMC would see the need for the VEC’s Indigenous communications officer to work with Indigenous communities to ensure that any feelings of fear, mistrust and misconceptions are managed appropriately.

The EMC also heard that the “frequency with which Aboriginal people change their address” impacts on their eligibility to vote.<sup>244</sup> This is because section 90(4)(c) of the *Electoral Act 2002* allows an election official to “reject a person’s claim to vote” if the person states an address which does not reconcile with the details on the electoral roll.<sup>245</sup>

The EMC’s view is that the Indigenous communications officer will be able to educate Indigenous electors about maintaining their enrolment.

## Electoral education

VALS also called on the AEC and VEC to develop ongoing joint education campaigns with Indigenous organisations and communities. Suggestions included the creation of:

- Koori-specific (Victoria) and Indigenous-specific (Australia) education programs; and
- Indigenous education officers to assist with school activities and electoral education.<sup>246</sup>

Since the 2006 Victorian state election, the EMC notes that the VEC has been working with the Department of Justice’s community outreach program, *Koories Know Your Rights*, providing information on enrolment and voting.<sup>247</sup>

Greta Clarke stressed the importance of building trust with Indigenous communities. She said that Indigenous people will not pay attention to people who “blow in and blow out” of their community and advised the EMC that education officers would need to establish an ongoing relationship with the community to maximise the effectiveness of an education program.<sup>248</sup>

---

<sup>243</sup> Royal Commission into Aboriginal Deaths in Custody cited in G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>244</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>245</sup> *Electoral Act 2002* s 90(3).

<sup>246</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>247</sup> Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 30.

<sup>248</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

Greta Clarke also indicated that registered political parties have a role to play in the provision of electoral education. She said that campaigns should aim to alleviate fears and misconceptions held by Indigenous persons. Furthermore, it was suggested that their campaigns should:

[E]ven educate the Aboriginal people that there is no Aboriginal person up for election, but these political parties do have policy on Aboriginal issues and inform them about that.<sup>249</sup>

The EMC supports the merits of involving the Indigenous community in ongoing electoral education programs.

**Recommendation 4.1: In consultation with Indigenous organisations and communities, the Victorian Electoral Commission considers liaising with the Australian Electoral Commission to develop electoral education for Indigenous people in Victoria.**

### Information in accessible formats

Greta Clarke also noted that the VEC had developed posters and brochures about enrolment and voting that featured local Indigenous role models.<sup>250</sup> The VEC submission stated:

A poster featuring local Indigenous role models and their personal views on the importance of voting was produced to motivate and inspire the wider Indigenous community. This was accompanied by a brochure that clearly explained enrolment and voting, as well as addressing barriers identified as potentially deterring Indigenous people from enrolling.<sup>251</sup>

The posters and brochures were distributed to Indigenous organisations around Victoria.<sup>252</sup> The VEC also recruited Syd Jackson, an Indigenous former football player, to raise awareness about the 2006 Victorian state election. He recorded a series of radio advertisements which were broadcast on regional Indigenous radio stations 3KND and 3GRR.<sup>253</sup>

The EMC supports this initiative but also considered it could be extended by the VEC engaging other well-known Indigenous persons to raise awareness about enrolment and voting among their Indigenous communities.

There was no information provided by the VEC about whether a community TV announcement was scheduled during ABC Television's *Message Stick*, a magazine style television program about Aboriginal and Torres Strait Islander lifestyles and issues. The EMC also raised the issue of the lack of advertising on SBS Television, in particular during *Living Black*, an Indigenous current affairs program.

<sup>249</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>250</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>251</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>252</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>253</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

The EMC suggests that the VEC should consult with relevant Indigenous organisations about the impact of television advertising on Indigenous electors' knowledge of the state election.

**Recommendation 4.2: The Victorian Electoral Commission considers engaging well-known Indigenous persons to raise awareness about enrolment and voting among their communities.**

**Recommendation 4.3: The Victorian Electoral Commission considers investigating the impact of television advertising on improving Indigenous electors' knowledge of upcoming state elections and considers strategic placement of community television announcements during Aboriginal and Torres Strait Islander lifestyle and current affairs programs.**

## Indigenous communications officer

The EMC was informed that the VEC employs an Indigenous communications officer (fixed-term) to establish networks with the Indigenous community in Victoria. The officer enrolled 24 Indigenous persons via a state-wide mail-out and an information stand which was established at the Victorian Aboriginal Health Service.<sup>254</sup> The VEC in their submission noted the benefits of having the information stand:

An information stand, located at the Victorian Aboriginal Health Service for several days in October and November [2006], allowed Indigenous people to discuss enrolment and voting with a VEC employee. Staff were able to correct common misunderstandings around issues of privacy and penalties for not having previously enrolled, and assist Indigenous people to complete enrolment forms and update details.<sup>255</sup>

An example given by Greta Clarke highlights the benefits of this information initiative:

One 70 year old lady came up to her [Indigenous communication officer] and actually she was able to leave some of her misconceptions, because she was afraid that for however many years that she had not voted she would have a backlog of fines. That is why it was [not] up until she was 70 years old that she actually enrolled to vote.<sup>256</sup>

VALS also expressed appreciation for the Indigenous communications officer being able to liaise with Indigenous persons about infringement notices and be involved in the infringement process.<sup>257</sup>

---

<sup>254</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35; G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 4-5.

<sup>255</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>256</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>257</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

VALS acknowledged the efforts made by the VEC to increase Indigenous participation and supported the Indigenous communications officer becoming an ongoing role.<sup>258</sup>

## Data collection

The EMC heard evidence from VALS about the lack of data collection on Indigenous Australians' enrolment and voting practices. To date, there is no reliable data on how many Indigenous Victorians are enrolled to vote. Greta Clarke said:

Talking about Aboriginal voting is problematic because we do not have data on how many Aboriginal people are enrolled to vote and how many people actually vote. That sort of information is not collected. ... It is very difficult to gauge unfortunately because I suppose people are private about whether they voted and that sort of thing.<sup>259</sup>

VALS suggested two ways of soliciting this information, including:

- Placing a question on the electoral enrolment form which reads “What descent are you?”; or
- Placing a question on the census which reads “Are you enrolled to vote?” or “Did you vote in the last election?”<sup>260</sup>

The EMC heard that as Indigenous people often mistrust authorities which request the collection of personal information, their fears could be alleviated by asking the questions of all people, not just Indigenous people. Greta Clarke explained that:

A lot of people say that they do not like forms that say, “Are you of Aboriginal or Torres Strait Islander descent?” and the fact that there is no other nationality that is questioned in this way. ... The stigmatisation about identifying as Aboriginal is another issue in the sense that some people do not want to be pigeonholed or stereotyped, or they think that if someone knows they are Aboriginal they will be looked at differently.<sup>261</sup>

The EMC's view is that the VEC, in collaboration with the Australian Bureau of Statistics, should investigate this matter further.

**Recommendation 4.4: The Victorian Electoral Commission considers liaising with the Australian Bureau of Statistics to investigate improving data collection on Indigenous enrolment.**

---

<sup>258</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 4-5.

<sup>259</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 2, 6.

<sup>260</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>261</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

## Quota of Indigenous people in the Parliament of Victoria

The EMC heard evidence from VALS about Indigenous representation in the Parliament of Victoria:

Some people say a barrier to voting is the fact that there is no Indigenous Australian up there to be elected.<sup>262</sup>

VALS suggested the introduction of a quota of Indigenous people within the Parliament of Victoria. Greta Clarke stated her reasons for the proposal:

I would argue that it is because of the distinct status of Aboriginal people as the first nation and that their sovereignty was actually taken without consent that they above all else should have a quota within Parliament.<sup>263</sup>

She advocated that this would contribute to building a feeling of meaningfulness about the voting system for Indigenous Victorians.<sup>264</sup>

Greta Clarke referred the EMC to the New Zealand Parliamentary System which is divided into Maori and general electorates.<sup>265</sup> According to Graeme Orr, a researcher in electoral law, this system ensures that Maori have:

[A] "seat at the table" of government, that is, representation of a unique voice, in recognition not only of historical dispossession but also that Indigenous populations are not simply another ethnic group.<sup>266</sup>

The New South Wales Legislative Council Committee on Social Issues identified advantages and disadvantages of Maori electorates in New Zealand.<sup>267</sup>

The EMC considered the issue of Indigenous representation espoused by VALS. However the EMC is of the opinion that a one-vote-one-value electoral system is the central tenet of the Victorian electoral system.

## Culturally and linguistically diverse communities

### Definition

The term culturally and linguistically diverse or "CALD" communities emerged as an alternative term for "ethnic" and "NESB" (people from non-English speaking backgrounds). The term CALD was thought to be a more

---

<sup>262</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>263</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>264</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>265</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>266</sup> G Orr, *Australian electoral systems: How well do they serve political equality?*, Australian National University, Canberra, 2004, p. 37.

<sup>267</sup> Parliament of New South Wales, *Enhancing Aboriginal political representation: Inquiry into dedicated seats in the New South Wales Parliament*, Standing Committee on Social Issues (Jan Burnswood MLC, Chair), Sydney, 1998, p. 22.

inclusive term/acronym because it captured the range of language and cultural groups found in Australia and did not situate English speakers as the norm. The term CALD describes persons who speak, or their parents speak, a language other than English at home and engage in cultural and social customs which are different from the customary practices of Anglo-Australians. This term excludes people from Aboriginal and Torres Strait Islander backgrounds.<sup>268</sup>

## Demographic information

In Victoria approximately 1 million (1,007,436) people speak a language other than English at home. The most popular languages other than English spoken at homes in Victoria include Chinese languages<sup>269</sup> (144,750), Italian (133,327), Greek (117,875), Vietnamese (72,162) and Arabic (55,926).<sup>270</sup> These language groups also have the highest number of people who lack proficiency in English.<sup>271</sup>

## VEC Strategic Action Plan

The VEC was publicly commended on its strategic action plan which aims to increase voting accessibility and communications with CALD communities.<sup>272</sup> Peter van Vliet, Executive Officer of the ECCV, said:

It is pleasing that the Victorian Electoral Commission has developed a sub-strategy in June 2006 as part of the overall communications plan for the 2006 state election which is aimed at voters from culturally and linguistically diverse backgrounds.<sup>273</sup>

The EMC notes these sentiments and commends the VEC on its strategic action plan.

## Electoral education

The EMC notes that the adult education networks including Centre for Adult Education (CAE), located in Melbourne, teaches electoral education for persons with various levels of proficiency in English, including those for

<sup>268</sup> New South Wales Government, *Adapting programs to meet the needs of children and young persons from culturally and linguistically diverse (CALD) communities policy statement*, New South Wales Office of the Children's Guardian, 2003. Retrieved Accessed 17 October 2007 from [www.kidsguardian.nsw.gov.au/accreditation/policies/pdf\\_files/adapting\\_CALD\\_v1.0.pdf](http://www.kidsguardian.nsw.gov.au/accreditation/policies/pdf_files/adapting_CALD_v1.0.pdf).

<sup>269</sup> In the 2006 Census data Chinese languages include Cantonese (66,855), Mandarin (64,377) and Other (13,518).

<sup>270</sup> Australian Government, "2006 census tables, Victoria (state), language spoken at home by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

<sup>271</sup> Australian Government, "2006 census tables, Victoria (state), language spoken at home by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

<sup>272</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3; P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>273</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.



whom English is a second language.<sup>274</sup> The EMC suggests that these classes should complement the VEC's presentations to targeted communities, rather than replace the VEC actively engaging with community groups in their own community settings.

The ECCV suggested the VEC conduct targeted education forums for community members to learn more about the enrolment and voting process,<sup>275</sup> a suggestion supported by the EMC.

Licia Kokocinski, Executive Director of ADEC pointed out that the use of interpreters when conducting presentations with CALD communities can be problematic and advocated instead the use of bilingual workers:

Avoid interpreters. Use bilingual sessional workers because you really do need to fully explain the system of voting, why the processes, in their own language and with a person who can speak quite comfortably and using plain language, not professional babble. The constituencies we work with, the ones that we work with, have a very low socioeconomic background, very low education. Using professional language might make you feel good but it does not impart any information.<sup>276</sup>

The EMC notes the benefits of using bilingual workers rather than interpreters when conducting community presentations and suggests such workers could also be effectively employed at voting centres during state and local government elections.

**Recommendation 4.5: The Victorian Electoral Commission considers recruiting bilingual workers to conduct electoral education with culturally and linguistically diverse communities.**

**Recommendation 4.6: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with culturally and linguistically diverse communities in accessible venues.**

## Information in accessible formats

The VEC informed the EMC that a variety of communication strategies were used to provide CALD communities with information and education about the 2006 Victorian state election. The VEC's *Report to Parliament* reported that:

- Two media releases, both in 18 languages, were distributed to 66 ethnic publications and six radio stations throughout October and November 2006, while paid advertising in 10 languages ran in 13 ethnic publications and on six radio stations;

---

<sup>274</sup> Victorian Electoral Commission, *Have your say*, 2008. Retrieved 5 February 2008 from <http://www.vec.vic.gov.au/haveyoursay.html>.

<sup>275</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3.

<sup>276</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

- Advertising in both ethnic and English print media included the VEC's 19 multi-lingual telephone enquiry service numbers that operate all year round;
- Key information in 18 languages other than English was also provided on the VEC website, with more detailed information provided in a format available for download for each language;
- An interactive virtual voting experience was produced (covering 18 languages plus English) for the VEC's website and also in CD format. It provided a simulation of the voting experience for first-time voters and a demonstration of how to fill out Upper and Lower House ballot papers. The CD was distributed to over 300 major CALD associations and groups, local councils and community information centres; and
- Multi-language voting instructions were also mailed to those same organisations, along with a summary of language services available and an A4-sized quick guide to key election information.<sup>277</sup>

The ECCV supports the VEC's approach including "advertising through ethnic radio and print media, community engagement forums, and resources such as CDs and pamphlets in translated languages".<sup>278</sup>

Nevertheless, research conducted for the VEC with voters from CALD backgrounds on election day reported that communication strategies would be more effective if:

- Advertisements were longer, more informative and use clear and direct language about how to vote and where to vote;
- There were more advertisements in different languages in different magazines, newspapers, radio stations and a letter to each household regarding where and how to vote; and
- There was more information on polling booths and billboards.<sup>279</sup>

These findings were also supported by ADEC and the ECCV:

The use of ethnic newspapers and radios certainly is not enough and the recommendation would be to use that a lot more, especially the radio because ethnic radio is hugely important to ethnic communities. The complaint that I had from my staff and my facilitators was that they [announcements] are more in the form of advertisements rather than information-giving. That was something that needs to be addressed.<sup>280</sup>

<sup>277</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>278</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 2.

<sup>279</sup> Victorian Electoral Commission, *Submission No. 20*, p. 44.

<sup>280</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

[M]any people from CALD backgrounds may have difficulties expressing themselves in English. They still consider ethnic newspapers and media to be a more important source of information than mainstream media service providers.<sup>281</sup>

The EMC also found that the VEC did not advertise on SBS Television for the 2006 Victorian state election and this should be considered for the 2010 Victorian state election.

Another concern for stakeholders related to the translations by the VEC. Licia Kokocinski heard from her clients that the written translation of VEC documents was problematic. She noted:

There was also some comment made about the translations. The Chinese apparently was very problematic. The Chinese blurb on the back of the pamphlets that were handed out did not make sense. This is according to some of my Chinese-speaking staff.<sup>282</sup>

In summary, the ECCV, ADEC and Scope Victoria Limited suggested the following strategies for the VEC's consideration:

- CALD communities should be involved in the development of appropriate communication strategies;
- Information should be developed in Easy-English;
- Frequent and lengthier advertisements and information sessions on ethnic television, newspapers and radio;
- The need for more education and information on correct voting methods, voting rights and responsibilities using relevant community languages for people with low-level English proficiency; and
- Pilot translations of documents with community groups to ensure that subjects for discussion and translations are culturally appropriate.<sup>283</sup>

The EMC notes the concerns and issues which may affect participation of persons from CALD backgrounds and supports the suggested strategies.

**Recommendation 4.7: The Victorian Electoral Commission continues to build and sustain relationships with relevant culturally and linguistically diverse community organisations about communication strategies and electoral information provision.**

---

<sup>281</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3.

<sup>282</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>283</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3; L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7; P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3; C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

**Recommendation 4.8: For the 2010 Victorian state election, the Victorian Electoral Commission considers running frequent and lengthier advertisements and information sessions on television, newspapers, and radio popular with culturally and linguistically diverse communities about correct voting methods, where to vote, voting rights and responsibilities.**

**Recommendation 4.9: The Victorian Electoral Commission continues translating its key electoral information and resources in relevant community languages and Easy-English.**

**Recommendation 4.10: The Victorian Electoral Commission considers piloting its translated resources with the relevant communities to assess the appropriateness of translations.**

## New and emerging communities

### Definition

Historically, a new and emerging community referred to any ethnic group with less than 15,000 permanent residents.<sup>284</sup> More recently the definition of a new and emerging community describes any ethnic group with between 400 and 10,000 persons living in Australia; the population of the group must also have increased by 15% between censuses.<sup>285</sup>

### Demographic information

The ECCV informed the EMC about the new and emerging communities in Victoria, in particular humanitarian arrivals from the Horn of Africa (includes Djibouti, Eritrea, Ethiopia, and Somalia), Sudan, Burma, Iraq and Afghanistan.<sup>286</sup> The ECCV drew attention to the hardship that many members of these communities experienced prior to their arrival in Australia and the difficulties they experienced settling in a new country. In their submission, the ECCV noted that:

[M]any of these new humanitarian entrants come from war-torn countries and have difficulties settling because of their language skills, cultural shocks, housing and schooling problems and difficulty in gaining employment. Many Horn of African migrants come to Victoria with limited education and English language abilities, which make it difficult for them to fulfil their voting commitments.<sup>287</sup>

Up-to-date statistics show that in 2006-2007, out of 34,698 settlers who arrived in Victoria, 3,326 settlers were from the Horn of Africa, Sudan,

<sup>284</sup> J Jupp, A McRobbie & B York, *Settlement needs of small, newly arrived ethnic groups*, Australian Government Publishing Service, Canberra, 1991, pp. 9-11.

<sup>285</sup> Victorian Government, *Victoria: Major geographical divisions, birthplace, language, age, religion and ancestry*, Department of Victorian Communities, Victorian Office of Multicultural Affairs, Melbourne, 2003, p. 16.

<sup>286</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 2.

<sup>287</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 2.

Burma, Iraq and Afghanistan.<sup>288</sup> This is a slight decrease in the total number of arrivals from these countries/region since the 2004-2005 peak of 3,535 settlers. Nevertheless, between 2005-2007 the number of new arrivals from Burma, Djibouti, Ethiopia, Iraq, and Somalia increased, while new arrivals from Afghanistan, Eritrea and Sudan did not decrease significantly. Table 4.1 provides a summary.

**Table 4.1: Summary of arrivals from new and emerging communities 1997-2007**

| Country         | 1997-1998 | 1998-1999 | 1999-2000 | 2000-2001 | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | Total  |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
| Afghanistan     | 157       | 275       | 181       | 138       | 190       | 265       | 364       | 326       | 738       | 729       | 3,363  |
| Burma (Myanmar) | 24        | 17        | 32        | 52        | 45        | 25        | 31        | 158       | 320       | 632       | 1,336  |
| Djibouti        | 1         | 8         | 2         | 2         | 2         | 4         | 1         | 6         | 1         | 5         | 32     |
| Eritrea         | 39        | 120       | 79        | 54        | 53        | 59        | 74        | 67        | 68        | 49        | 662    |
| Ethiopia        | 138       | 187       | 171       | 190       | 183       | 254       | 299       | 276       | 228       | 282       | 2,208  |
| Iraq            | 477       | 419       | 527       | 385       | 396       | 768       | 549       | 595       | 624       | 666       | 5,406  |
| Somalia         | 339       | 241       | 137       | 184       | 218       | 116       | 125       | 85        | 99        | 109       | 1,653  |
| Sudan           | 71        | 158       | 106       | 257       | 326       | 919       | 1,530     | 2,022     | 1,332     | 854       | 7,575  |
| Total           | 1,246     | 1,425     | 1,235     | 1,262     | 1,413     | 2,410     | 2,973     | 3,535     | 3,410     | 3,326     | 22,235 |

Source: Australian Government, *Settlers arrivals: 2006-2007*, Department of Immigration and Citizenship, Canberra, 2007, pp. 25-29.

## Enrolment

The EMC heard that young persons from new and emerging communities are not motivated to complete an enrolment form when they turn 18 years of age. This relates to feelings of disengagement from the political process due to “difficult dealings with government and the police” rather than a lack of proficiency in the English language.<sup>289</sup> A discussion arose between EMC Committee member Robin Scott MP and Peter van Vliet, Executive Officer with the ECCV, about possible solutions:

Mr Scott—What would your view be of a more automated process where interactions with government automatically [triggered the enrolment process] ... things like Bond Authority, driver's licence or even public housing agreements would trigger an automatic electoral enrolment.

Mr van Vliet—We would absolutely support an automatic electoral enrolment to ensure that our communities are registered to vote and are voting. ... [W]e want people on the electoral rolls. Everyone is entitled to one vote, one value, in Australia

<sup>288</sup> Australian Government, *Settlers arrivals: 2006-2007*, Department of Immigration and Citizenship, Canberra, 2007, pp. 25-29.

<sup>289</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

and that should be pursued to the fullest. Our belief is that we would support that type of automatic process entirely.<sup>290</sup>

The EMC supports the ECCV's suggestion for research into alternative methods to enrol to vote, which is more fully discussed later in the chapter.

## Electoral education

The EMC heard evidence from the ECCV about the number of potential projects and practices which may encourage new and emerging community members to develop their understanding of the Victorian electoral system, and in turn their level of engagement with the electoral process. In particular, the EMC heard that the ECCV, the African Think Tank and the Institute of Social Research at Swinburne University are working together on the Living in Harmony Project – the Australia Africa Democracy Project – which in 2006 received \$35,000 from the Australian Government. The project focuses on four community public forums in Carlton, Ballarat, Dandenong and Flemington. The ECCV explained that the:

[P]roject aims to build guidance in understanding the basic structure and systems of Australian society for Horn of African community members. At a very practical level, it will also ensure that members of these communities who have full citizenship are aware of their voting obligations at election time.<sup>291</sup>

Participants from the Carlton forum requested the VEC conduct more community presentations because community members were very interested in learning about enrolling to vote and the voting process.<sup>292</sup> The EMC supports this request.

**Recommendation 4.11: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with new and emerging communities in accessible venues.**

## Information in accessible formats

The EMC notes that due to a lack of funding, resources are not available in languages of some new and emerging communities, in particular, Bari (Sudanese), Nuer (Sudanese), Tigrigna (Eritrean, Ethiopian), Dari (Afghani), Karen (Burmese), Chin (Burmese) and Farsi (Iranian).<sup>293</sup>

In summary, the ECCV suggested the following communication strategies:

- Communities with a strong oral tradition, which includes refugees from Sudan and the Horn of Africa, need to be provided with information in accessible formats i.e. oral/audio rather than by printed brochures in languages other than English;

<sup>290</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>291</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 2.

<sup>292</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3.

<sup>293</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3.

- More information around voting rights and responsibilities in community-preferred languages;
- VEC should employ bilingual staff – not interpreters – to conduct education campaigns on the Victorian electoral and voting system with new and emerging communities;
- Information in languages other than English should be available in easily accessible and different formats; and
- Information for new and emerging communities should be developed in Easy-English with frequent advertisements and information sessions on ethnic television, newspapers and radio.<sup>294</sup>

The EMC supports these communication strategies. The Australian Greens (Victoria) also welcomed an increased role for the VEC working with these community groups.<sup>295</sup>

The EMC also heard that as part of the Living in Harmony project, the ECCV has developed educational booklets and CDs in community languages including English, Amharic, Arabic, Dinka, Tigrigna, Oromo and Somali. The CD is particularly useful for those communities who have a strong oral tradition. The ECCV anticipates translating the booklet and CD into Nuer in the near future. These resources will provide information on “Australia's democratic history and traditions, federalism, parliamentary system of government, elections, political parties and community leadership in governments”, according to Jieh-Yung Lo, Policy/Project Officer with the ECCV.<sup>296</sup>

The EMC commends the ECCV, the African Think Tank and the Institute of Social Research at Swinburne University for their consistent work to improve electoral participation of persons from new and emerging communities.

**Recommendation 4.12: The Victorian Electoral Commission considers recruiting bilingual workers to conduct electoral education with new and emerging communities.**

**Recommendation 4.13: The Victorian Electoral Commission considers translating its key electoral information and resources in new and emerging community languages and providing resources in accessible formats.**

---

<sup>294</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3; P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>295</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

<sup>296</sup> J-Y Lo (Policy/Project Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

## New citizens

### Definition

A migrant who has recently been awarded Australian citizenship is considered a new citizen. For some new citizens the 2006 Victorian state election may have been their first voting experience.

### Demographic information

Since 1949 the Commonwealth's *Nationality and Citizenship Act 1948* has provided for citizenship in Australia.<sup>297</sup>

**Table 4.2: The top 10 countries of former nationality or citizenship in 2006-2007**

| Previous citizenship country | Persons |
|------------------------------|---------|
| United Kingdom               | 25,948  |
| India                        | 12,896  |
| China, People's Republic of  | 11,251  |
| New Zealand                  | 7,379   |
| South Africa, Republic of    | 6,489   |
| Philippines                  | 5,129   |
| Sudan                        | 4,573   |
| Sri Lanka                    | 3,571   |
| Malaysia                     | 2,794   |
| Afghanistan                  | 2,712   |

Source: Australian Government, *Annual report 2006-07*, Department of Immigration and Citizenship, Canberra, 2007, pp. 343-344.

The Department of Immigration and Citizenship estimates that 95% of the population are Australian citizens and between 2006-2007, 136,256 people from over 176 countries became Australian citizens, an increase of 32,906

<sup>297</sup> *Nationality and Citizenship Act 1948*.



new citizens since the previous year (103,350).<sup>298</sup> On Australia Day (26 January) 2007 approximately 2,900 new citizens gained citizenship at 55 ceremonies around Victoria.<sup>299</sup>

Data shows that the highest proportion of new citizens are from Commonwealth countries including the United Kingdom, India, New Zealand, the Republic of South Africa, Malaysia, and Sri Lanka. The “Top 10” countries are set out in Table 4.2.

## Enrolment

The Commonwealth Parliament’s JSCEM’s report into civics and electoral education outlined the relationship between citizenship ceremonies and enrolment. The arrangements are that:

[A]pplicants receive the enrolment form when they receive their certificate following the pledge of commitment. Once signed in the presence of a suitable witness, the enrolment form is either handed to the AEC staff member present at the ceremony, or posted to the AEC.<sup>300</sup>

In 2006-2007 the AEC was present at 1,534 citizenship ceremonies around Australia, an increase of 413 on the previous year. In the state of Victoria, AEC staff attended 362 citizenship ceremonies, 108 more than the previous year.<sup>301</sup> To date there are no statistics available on the number of completed enrolment forms received by the AEC or VEC resulting from citizenship ceremonies.

The percentage of new citizens enrolling within three months of becoming an Australian citizen is relatively high: 93% of new citizens enrolled to vote in 2006-2007 compared with 88.4% in 2005-2006.<sup>302</sup> A discussion between EMC member, the Honourable Christine Campbell MP and Peter van Vliet, Executive Officer of ECCV at the public hearings illustrated their concerns with those new citizens who did not enrol at the ceremony. In particular, Peter van Vliet said:

There does not seem to be ... any follow-up on people who do not enrol to vote. They seem to almost fall out of the system.<sup>303</sup>

---

<sup>298</sup> Australian Government, *Department of Immigration and Citizenship: Annual report 2006-07*, Department of Immigration and Citizenship, Canberra, 2007, pp. 343-344; Australian Government, *Australian citizenship statistics*, Department of Immigration and Citizenship, No date. Retrieved 23 January 2008 from <http://www.citizenship.gov.au/resources/facts-and-stats/stats.htm#a>.

<sup>299</sup> National Communications Branch, Department of Immigration and Citizenship, *Personal communication*, 23 January 2008.

<sup>300</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 118.

<sup>301</sup> Australian Electoral Commission, *Annual report 2006-07*, Australian Electoral Commission, Canberra, 2007, p. 43.

<sup>302</sup> Australian Electoral Commission, *Annual report 2006-07*, Australian Electoral Commission, Canberra, 2007, p. 42.

<sup>303</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

In its evidence to the inquiry, the VEC assured EMC members that “those who do not enrol within that period are followed up by a letter, phone call or home visit”.<sup>304</sup>

In addition to enrolment, the EMC agrees in principle with Recommendation 14 of the Commonwealth Parliament’s JSCEM report into civics and electoral education which states:

The Committee recommends that the Australian Government amend the Australian Citizenship Ceremonies Code to include the additional mandatory requirement that during citizenship ceremonies there be a presentation regarding the notion of citizenship, voting rights and obligations in Australia, including the opportunity for enrolment at the ceremony.<sup>305</sup>

The EMC notes that to date, no Australian Government response to this report has been lodged.

## Electoral education

In 2006-2007, only 2.1% of visitors to electoral education centres around Australia were new citizens. Statistics show that visitors to the Melbourne Electoral Education Centre (MEEC) increased by 47.6% in the same year but there is no data about the proportion of visitors who were new citizens. As the AEC provides statistics on the number of primary, junior secondary, senior secondary, adults and accompanying adults who visit the MEEC,<sup>306</sup> the EMC supports a breakdown of the number of new citizens who attend the MEEC would be useful to measure whether the Centre is meeting the needs of new citizens.

As discussed in the section on new and emerging communities, the ECCV, in collaboration with the African Think Tank and the Institute of Social Research at Swinburne University, conducted community public forums with African communities living in metropolitan and rural Victoria. Jieh-Yung Lo, a Policy/Project Officer with the ECCV noted that:

At a very practical level it [the forums] will also ensure that members of these communities who have full citizenship are aware of their voting obligations during election time.<sup>307</sup>

The EMC notes the efforts made by the ECCV and Swinburne University in relation to educating new citizens from African nations. However, the EMC is concerned that not all new citizens are receiving electoral education. This is particularly concerning because, as the Commonwealth Parliament’s JSCEM, notes:

<sup>304</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 4*, p. 2.

<sup>305</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 126.

<sup>306</sup> Australian Electoral Commission, *Annual report 2006-07*, Australian Electoral Commission, Canberra, 2007, p. 101.

<sup>307</sup> J-Y Lo (Policy/Project Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

Australia's increasingly diverse migrant population also face challenges when engaging in the Australian democratic process, often due to comparatively low levels of English language proficiency, and their experiences under previous regimes. While enthusiastic about the Australian democratic process, new citizens are most likely to cast informal ballots and, thereby, miss their chance to "have a say".<sup>308</sup>

The EMC noted that adult education networks including Adult Multicultural Educational Services (AMES), CAE, TAFE Colleges and Adult Community & Further Education (ACFE) provide parliamentary education to new citizens. For example, AMES offers an Australian Citizenship Certificate courses.<sup>309</sup>

## Persons with disabilities

### Definition

The Australian Bureau of Statistics has defined disability to encompass "any limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities".<sup>310</sup> People with disabilities may have one or a combination of one or more of these disabilities including intellectual disability, physical disability, sensory disability, acquired brain injury, neurological impairment, and psychiatric disability.<sup>311</sup>

### Demographic information

Approximately 924,600 people aged 15 years and over are living with a disability in Victoria. Table 4.3 illustrates that while some persons with disabilities experience profound or severe limitations in their ability to communicate, care for themselves and be mobile (283,400), others live without limitations or very few restrictions (129,800).<sup>312</sup>

Another indicator of disability is the disability-free life expectancy (DFLE) which measures the expected number of years which persons will live without limitations on everyday activities resulting from a health condition.<sup>313</sup> For males, the number of years estimated to be disability-free will be 59.1 years compared with 62.2 years for women.<sup>314</sup> Although this means that

---

<sup>308</sup> Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 2.

<sup>309</sup> R Espie (Education & Community Engagement Officer), Parliament of Victoria, *Personal communication*, 16 May 2008.

<sup>310</sup> Australian Government, "All persons, disability and long-term health condition status by sex and age, Victoria, 2003", *Disability, ageing and carers*, Australian Bureau of Statistics, 2004. Retrieved 30 May 2008 from <http://www.ausstats.abs.gov.au>.

<sup>311</sup> Victorian Government, *Victorian State Disability Plan 2002-2012*, Department of Human Services, Melbourne, 2002, p. 2.

<sup>312</sup> Australian Government, "All persons, disability and long-term health condition status by sex and age, Victoria, 2003", *Disability, ageing and carers*, Australian Bureau of Statistics, 2004. Retrieved 30 May 2008 from <http://www.ausstats.abs.gov.au>.

<sup>313</sup> Australian Government, *Australia's health 2006*, Australian Institute of Health and Welfare, Canberra, 2006, p. 208.

<sup>314</sup> This is based on male life expectancy being 77.8 years and female life expectancy being 82.8 years.

approximately 75% of a person's life will be disability-free, one-quarter (25%) will not be.<sup>315</sup>

**Table 4.3: Disability status by sex and age – Victoria – 2003**

| Age group | Disability                                  |                                   |                               |  |  | Total   |
|-----------|---|-----------------------------------|-------------------------------|--|--|---------|
|           | Profound or severe core activity limitation | Moderate core activity limitation | Mild core activity limitation | Schooling or employment restriction only | Without specific limitations or restrictions |         |
| 15-24     | 16,000                                      | 4,900                             | 13,000                        | 8,700                                    | 12,900                                       | 55,500  |
| 25-34     | 17,000                                      | 6,300                             | 13,900                        | 19,700                                   | 20,300                                       | 77,200  |
| 35-44     | 27,400                                      | 12,800                            | 21,900                        | 24,200                                   | 20,500                                       | 106,800 |
| 45-54     | 36,500                                      | 33,100                            | 41,700                        | 20,200                                   | 23,600                                       | 155,100 |
| 55-64     | 41,600                                      | 41,000                            | 48,500                        | 14,500                                   | 19,700                                       | 165,300 |
| 65-74     | 36,500                                      | 38,600                            | 57,500                        | -  | 19,300                                       | 151,900 |
| 75-84     | 64,000                                      | 24,800                            | 50,100                        | -  | 12,700                                       | 151,600 |
| 85+       | 44,400                                      | 6,300                             | 9,700                         | -  | 800  | 61,200  |
| Total     | 283,400                                     | 167,800                           | 256,300                       | 87,300                                   | 129,800                                      | 924,600 |

Source: Australian Government, "All persons, disability and long-term health condition status by sex and age, Victoria, 2003", *Disability, ageing and carers*, Australian Bureau of Statistics, 2004. Retrieved 30 May 2008 from <http://www.ausstats.abs.gov.au>.

The EMC notes that disability will be an issue for many Australians during their lifespan. Given that disability can impact on a person's participation in the electoral process, this is of concern to the EMC.

### VEC Disability Action Plan 2008-2011

In Victoria, there are relevant legislation, charters and policies designed to safeguard the rights of those who may be structurally disenfranchised such as the:

- *Victorian Disability Act 2006*;
- Victorian Government External Communication Access Policy 2006;
- Victorian Charter on Human Rights and Responsibilities 2007;
- *Victorian Disability State Plan 2002-2012*; and
- UN Convention on Rights of People with Disabilities 2006, article 9 and article 21 in particular.

<sup>315</sup> Australian Government, *Australia's health 2006*, Australian Institute of Health and Welfare, Canberra, 2006, p. 208.

For its *Disability Action Plan 2008-2011* the VEC consulted with 17 disability organisations based in Victoria. The VEC noted that these organisations suggested education programs should:

- Target young adults;
- Adequately train election officials;
- Employ persons with a disability during the election period; and
- Expand electronic voting.<sup>316</sup>

Council on the Ageing offered their congratulations to the VEC for their *Disability Action Plan*. Julie Nelson, Member of the Council's Policy Council, reported that:

[S]ome of these strategies and measures will go some way to addressing the needs of older people who have disabilities or reduced ability through illness or other conditions.<sup>317</sup>

The EMC commends the VEC's ongoing commitment to consulting with a wide range of people and organisations regarding access and equity issues for those with a disability.

## Information in accessible formats

At the public hearings organisations called for more electoral information in accessible formats such as Easy-English and relevant community languages.<sup>318</sup>

These suggestions are in keeping with those made by the New South Wales Multicultural Disability Advocacy Association and election commentators prior to the 2007 New South Wales state election, which were:

- Information sessions be conducted in accessible venues which focus on educating electors on "getting on the electoral roll and 'how to vote'";
- The Electoral Commission work with community leaders and key agencies to discuss "best practices" to provide information;
- Information, brochures, instructions and forms should be available in accessible formats such as Braille, Easy-English, audio/CD and electronic.<sup>319</sup>

---

<sup>316</sup> VEC Disability Action Plan in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, pp. 12-13.

<sup>317</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>318</sup> Scope Victoria Limited, *Submission No. 7*, p. 2; L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

The EMC commends the VEC for developing such services as TTY service (text telephone for the deaf and hearing impaired), Easy-English booklets and large text and audio files available on the VEC website. The EMC supports the above suggestions put forward by stakeholders in this inquiry and notes they are worthy of consideration by the VEC.

**Recommendation 4.14: The Victorian Electoral Commission considers translating key electoral information and resources in accessible formats for people with disabilities.**

**Recommendation 4.15: The Victorian Electoral Commission continues to build and sustain relationships with relevant community organisations about communication strategies and electoral information provision for people with disabilities.**

## Assistance with enrolment

Evidence gathered during the inquiry found that while the majority of people with disabilities vote in elections, there is a minority that do not vote. A study commissioned by Scope Victoria Limited found that approximately 10% of people with a disability who were eligible to vote in the 2004 federal election did not.<sup>320</sup> Nearly half of those who did not vote cited not being on the electoral roll as the main reason.<sup>321</sup> People with disabilities often require assistance to enrol and maintain their enrolment and this is not always available in the time frame allocated by state and Commonwealth electoral commissions.<sup>322</sup>

The EMC notes the impact of the short time frame between the announcement of an election and the close of roll for people with disabilities and supports the maximum time frame possible to enable eligible electors to enrol and update their enrolment details.

## Attitudes and understandings of carers and the public

The EMC was told that attitudes and understandings of carers and the general public contribute to people with a disability being excluded from participating in the electoral system. Rhonda Joseph, a disability worker gave an example of a woman who was misinformed about her right to vote:

<sup>319</sup> B Pavey, "Citizenship and special educational needs: what are you going to do about teaching them to vote?" *Support for Learning*, vol. 18, no. 2, 2003, pp. 58-65; Multicultural Disability Advocacy Association, *Response to NSW State Electoral Office plan "Equal access to democracy"*, 2006. Retrieved 31 July 2007 from <http://www.mdaa.org.au/service/systemic/06/seoresponse.html>.

<sup>320</sup> Approximately 5% of the general population did not vote at the 2004 federal election. For more information see Parliament of Australia, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Tony Smith MP, Chair), Canberra, 2005, pp. 2-3.

<sup>321</sup> Scope Victoria Limited, *Disability and the voting booth*, Scope Victoria Limited, 2004. Retrieved 16 October 2007 from [http://www.scopevic.org.au/info\\_1in4poll\\_oct2004.html](http://www.scopevic.org.au/info_1in4poll_oct2004.html).

<sup>322</sup> Human Rights and Equal Opportunity Commission, "The right to vote is not enjoyed equally by all Australians", October 2007. Retrieved 16 October 2007 from [http://www.hreoc.gov.au/HUMAN\\_RIGHTS/vote/index.html](http://www.hreoc.gov.au/HUMAN_RIGHTS/vote/index.html).

The most interesting story I heard is from a woman in her late 60s. When she turned 18 her mother went to try to enrol her to vote and she was told if she can't sign she can't vote. So until one year ago she has not voted. Someone told her this was ridiculous and she should vote, so she went to find out about it and again was told she had to sign and needed a letter from her doctor outlining why her disability meant she could not sign. She did do this and is now voting.<sup>323</sup>

This example is not unusual as research has shown that information hospital staff and carers pass on about the rights and processes of voting for those with disabilities is often inaccurate.<sup>324</sup> Researchers investigating barriers to voting experienced by people with learning disabilities also note that:

Difficulties may arise when people live in a hostel or a residential home, as it is required that the people who run the home fill in the electoral registration form.<sup>325</sup>

Furthermore, the Learning Disabilities Research Group (UK) found that the participation of adults with intellectual disabilities in the 2005 UK general election was higher when the person with an intellectual disability was living in a household with at least one other active voter. Hence, those people (i.e. family members, residential care workers) living with a person with a disability need to create and sustain a climate that assists people with a disability to vote.<sup>326</sup>

Research suggests that people with a disability rarely receive electoral education.<sup>327</sup> The EMC understands that the VEC is currently discussing with Scope Victoria Limited the most appropriate way to conduct electoral education for those persons with disabilities attending community and day centres and employment services.<sup>328</sup> The EMC also encourage the VEC to consider conducting targeted information sessions with health professionals, residential care workers and carers about the voting rights of people with a disability, the value of democratic participation and the practical assistance available. These sessions will provide an appropriate forum for the VEC to

---

<sup>323</sup> R Joseph, *Submission No. 27*, p. 1.

<sup>324</sup> M Humphreys & D Chiswick, "Getting patients to the polls in the 1992 general election", *Psychiatric Bulletin*, vol. 17, no., 1993, pp. 18-19; H Smith & M Humphreys, "Changes in the law are necessary to allow patients detained under the Mental Health Act to vote", *British Medical Journal*, vol. 315, no. 7105, 1997, p. 431; DM Bell, C McKay & KJ Phillips, "Overcoming the barriers to voting experienced by people with learning disabilities", *British Journal of Learning Disabilities*, vol. 29, no. 4, 2001, pp. 122-127; H Keeley, M Redley, AJ Holland & ICH Clare, "Participation in the 2005 general election by adults with intellectual disabilities", *Journal of Intellectual Disability Research*, vol. 52, no. 3, 2008, pp. 175-181.

<sup>325</sup> DM Bell, C McKay & KJ Phillips, "Overcoming the barriers to voting experienced by people with learning disabilities", *British Journal of Learning Disabilities*, vol. 29, no. 4, 2001, pp. 122-127.

<sup>326</sup> H Keeley, M Redley, AJ Holland & ICH Clare, "Participation in the 2005 general election by adults with intellectual disabilities", *Journal of Intellectual Disability Research*, vol. 52, no. 3, 2008, pp. 175-181.

<sup>327</sup> DM Bell, C McKay & KJ Phillips, "Overcoming the barriers to voting experienced by people with learning disabilities", *British Journal of Learning Disabilities*, vol. 29, no. 4, 2001, pp. 122-127; B Pavey, "Citizenship and special educational needs: what are you going to do about teaching them to vote?" *Support for Learning*, vol. 18, no. 2, 2003, pp. 58-65.

<sup>328</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

distribute their brochure about enrolment and voting for families and carers which was released in 2008.

**Recommendation 4.16: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with health professionals, residential care workers and carers of people with disabilities.**

## Unsound mind

In Victoria the term “unsound mind” disqualifies an individual to enrol to vote as an elector “by reason of being of unsound mind, [which is a person who] is incapable of understanding the nature and significance of enrolment and voting”.<sup>329</sup> The VEC currently has 7,370 people who have been disqualified from voting because they were judged to be of “unsound mind”.<sup>330</sup>

Gemma Varley, Chief Parliamentary Counsel at the Department of Premier and Cabinet informed the EMC that “unsound mind is not defined in the *Constitution Act 1975* and its meaning will [be] determined in the context of section 48. However, in the context of the criminal law, unsound mind has been held to be synonymous with insanity, mental illness and disease of the mind (R v Falconer (1990) 171 CLR 30).”<sup>331</sup>

The VEC received several complaints from the public and advocacy groups at the time of the 2006 Victorian state election about the use of the term “unsound mind”.<sup>332</sup>

The EMC notes that the meaning of “unsound mind” is worthy of further discussion because nations such as Canada, Italy, Ireland, and Sweden do not disqualify electors on the basis of mental impairment and there has been very little research on voting rights for persons with cognitive impairments.<sup>333</sup>

In Australia the term “unsound mind” has currency in state and Commonwealth electoral law.<sup>334</sup> The Western Australian Electoral Commission is currently reviewing the meaning of the term “unsound mind” under the *Electoral Act 1907* and *Constitution Act 1889*.<sup>335</sup> In addition, the

<sup>329</sup> *Constitution Act 1975* s 48(2)(d).

<sup>330</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>331</sup> G Varley (Chief Parliamentary Counsel), Department of Premier and Cabinet, *Personal communication*, 23 May 2008.

<sup>332</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

<sup>333</sup> A Blais, L Massicotte & A Yoshinaka, "Deciding who has the right to vote: a comparative analysis of election laws", *Electoral Studies*, vol. 20, no. 1, 2001, pp. 51-52; A Wislowski & N Cuellar, "Voting rights for older Americans with dementia: Implications for health care providers", *Nursing Outlook*, vol. 54, no. 2, 2006, p. 70.

<sup>334</sup> *Constitution Act 1975* s 48(2)(d); *Parliamentary Elections and Electorates Act 1912* s 21(a); *Electoral Act 1985* s 29(1)(d); *Electoral Act 1907* s 18(a); *Commonwealth Electoral Act 1918* s 93(8)(a).

<sup>335</sup> W Smith (Quality Assurance Co-ordinator), Western Australian Electoral Commission, *Personal communication*, 19 January 2008.



Law Reform Commission of Western Australia recently considered the appropriateness of the term “unsoundness of mind” in the *Criminal Procedure Act*. The Commission recommended that the term be replaced with “mental impairment” because:

[T]he term “mental impairment”, which encompasses both mental illness and intellectual disability, is a more accurate and more acceptable description.<sup>336</sup>

The EMC received advice from the Villamanta Disability Rights Legal Service and the Mental Health Legal Centre, which both indicated a preference for the term “cognitive impairment”.<sup>337</sup>

The issue of disqualification was also raised as an issue in the inquiry. Villamanta Disability Rights Legal Service and the Mental Health Legal Centre suggested that the expression in the *Constitution Act 1975* section 2 which reads “is not entitled to be enrolled as an elector for the Council or Assembly” should be amended to read “is not obliged to be enrolled as an elector for the Council or Assembly”. This signifies that the mark of exemption or exclusion would be abolished.<sup>338</sup>

The EMC is aware that the term “unsound mind” is an anachronistic term and is sympathetic to the concerns held by some members of the public and advocacy groups. Nevertheless, the advice the EMC has received from the Chief Parliamentary Counsel’s Office states that using a broader term such as “cognitive impairment” or “mental impairment” may mean that more people may be excluded from voting:

If the term “unsound mind” is replaced with the term “mental impairment” or “cognitive impairment” and the new term is not defined, it could be argued that the new term is broader than “unsound mind”. It could also be argued that the normal meaning of cognitive impairment (which seems the more modern term) is broader than the normal meaning of mental impairment. Cognitive impairment may include things like short term memory loss.<sup>339</sup>

While the terminology “unsound mind” is considered anachronistic, the EMC considers it prudent to follow the legal advice provided by Parliamentary Counsel to ensure disenfranchisement is not widened.

---

<sup>336</sup> Western Australian Government, *Review of the law of homicide: Final report*, Law Reform Commission of Western Australia, Perth, 2007, p. 238.

<sup>337</sup> V Topp (Lawyer and Policy Co-ordinator), Mental Health Legal Centre, *Personal communication*, 29 January 2008; T Jardine (Telephone Advice Worker), Villamanta Disability Rights Legal Service, *Personal communication*, 23 January 2008.

<sup>338</sup> V Topp (Lawyer and Policy Co-ordinator), Mental Health Legal Centre, *Personal communication*, 29 January 2008; T Jardine (Telephone Advice Worker), Villamanta Disability Rights Legal Service, *Personal communication*, 23 January 2008.

<sup>339</sup> G Varley (Chief Parliamentary Counsel), Department of Premier and Cabinet, *Personal communication*, 23 May 2008.

## Persons experiencing homelessness

### Definition

The three-tiered definition of homelessness, as defined by Chamberlain and MacKenzie and later adopted by the Australian Bureau of Statistics incorporates persons who do not live in a conventional home but also lack access to financial and social support. Primary homeless are often referred to as those people who are “sleeping rough” because these persons live on the streets, in parks, and deserted buildings, among other public spaces. Secondary homeless are persons who frequently move between temporary accommodation such as emergency, refuge and crisis housing or stay intermittently with friends and/or family. Those persons described as tertiary homeless are those who live in boarding houses for a medium to long term period but who do not have access to private facilities or a lease.<sup>340</sup> Another group, the marginally housed have been identified as a population which should also be defined as homeless but are yet to be included in statistical data.<sup>341</sup>

### Demographic information

Victoria has seen a steady increase in the number of persons experiencing homelessness over the past five years. In 1996 17,840 persons reported being homeless, in 2001 this number had risen 13.8% to 20,305.<sup>342</sup>

The EMC was informed that out of the 20,305 persons in Victoria experiencing homelessness:

- 40% were staying with friends and relatives (8,122);
- 26% were living in boarding houses (5,280);
- 25% were living within the Supported Accommodation Assistance Program (5,076); and
- 9% were living in improvised dwellings (1,827).<sup>343</sup>

### Enrolment

People experiencing homelessness report difficulties in registering to enrol and participating in elections.<sup>344</sup> Hanover Welfare Services reported that of

<sup>340</sup> C Chamberlain & D MacKenzie, "Understanding contemporary homelessness: Issues of definition and meaning", *Australian Journal of Social Issues*, vol. 27, no. 4, 1992, pp. 274-297.

<sup>341</sup> C Chamberlain & D MacKenzie, *Counting the homeless 2001*, Australian Bureau of Statistics, Canberra, 2003, pp. 49-53.

<sup>342</sup> C Chamberlain & D MacKenzie, *Counting the homeless 2001*, Australian Bureau of Statistics, Canberra, 2003, p. 6; T Keenan (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>343</sup> C Chamberlain & D MacKenzie, *Counting the homeless 2001*, Australian Bureau of Statistics, Canberra, 2003, p. 45.

<sup>344</sup> A Guerra & N Lester, *Improving access to voting rights amongst the homeless in Brisbane*, University of Queensland, Brisbane, 2004 and J Thompson, *Voting and homeless in the Australian*

the 208 eligible Hanover clients surveyed just after the 2006 Victorian state election, 63% did not vote because they were not enrolled.<sup>345</sup> Reasons cited included that those who are homeless lack a fixed address and/or lack relevant identification. Tony Keenan, Chief Executive Officer at Hanover Welfare Services, expanded on these issues at the public hearing:

The first thing is [that] you are enrolled at the last place you [lived] at. If that does not exist it is then where your family was enrolled at and then there is a third option. Finally, if none of these are there, you can then enrol at the address of the crisis [accommodation] centre. That is reasonably complex. ... Then there are additional difficulties in terms of identification. Clients need two pieces of identification. ... If we get two people who have known the people for more than a month we can sign off, but the chances of someone who has been sleeping rough having their Medicare card with them [is remote]. Some of the practicalities – and probably they are unavoidable – do make it difficult for people to enrol.<sup>346</sup>

People experiencing homelessness also were concerned that engaging with government and bureaucracy may have negative consequences for them. In particular, the government would be able to trace their identity, they would receive a fine, or have difficulties with Centrelink.<sup>347</sup>

Hanover Welfare Services also reported that there was a “high degree of civic disengagement and disillusionment manifested by a lack of “interest” in, and lack of “awareness” of the election” among some people experiencing homelessness.<sup>348</sup> This has been reported elsewhere<sup>349</sup> and is not surprising as persons experiencing homelessness experience a range of serious problems aside from lack of secure housing and financial and social supports. The majority of adults have entered homelessness as a result of accumulating financial debt, deteriorating intimate and family relationships often associated with domestic violence or because they have made the transition into adult homelessness from being homeless as a young person. Chronically homeless adults, i.e. those persons who have been homeless for an extended period of time, also have a higher incidence of drugs and alcohol abuse and mental illness compared with the general population.<sup>350</sup>

---

context: Qualitative research exploring homeless people's voting attitudes and behaviour, Swinburne University of Technology, Melbourne, 2004 cited in G Dario, *Electorally engaging the homeless*, Australian Electoral Commission, Canberra, 2005, pp. 5-6.

<sup>345</sup> Hanover Welfare Services, *Submission No. 3*, p. 1.

<sup>346</sup> T Keenan (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>347</sup> J Thompson, Voting and homeless in the Australian context: Qualitative research exploring homeless people's voting attitudes and behaviour, Swinburne University of Technology, Melbourne, 2004 cited in G Dario, *Electorally engaging the homeless*, Australian Electoral Commission, Canberra, 2005, p. 7.

<sup>348</sup> Hanover Welfare Services, *Submission No. 3*, p. 2.

<sup>349</sup> J Thompson, Voting and homeless in the Australian context: Qualitative research exploring homeless people's voting attitudes and behaviour, Swinburne University of Technology, Melbourne, 2004 cited in G Dario, *Electorally engaging the homeless*, Australian Electoral Commission, Canberra, 2005, p. 12.

<sup>350</sup> C Chamberlain & D MacKenzie, *Homeless careers: Pathways in and out of homelessness*, Swinburne and RMIT Universities, Melbourne, 2003, pp. 29-58.

## Electoral education

Hanover Welfare Services was optimistic about practical pathways to increasing access to the electoral process for people experiencing homelessness.<sup>351</sup> At the 2006 Victorian state election the VEC worked with the Public Interest Law Clearing House and Council to Homeless Persons and developed a brochure for service providers and another for persons experiencing homelessness. These brochures were distributed to 330 homelessness organisations in Victoria along with “no fixed address” and “ordinary” enrolment forms.<sup>352</sup> Hanover Welfare Services indicated that it would like to see another “pro-active media and community education campaign”, including training, posters and brochures, which deals with the misconception among staff and clients of homeless person agencies that homelessness precludes people from voting.<sup>353</sup> The Australian Greens (Victoria) also welcomed an increased role for the VEC in public education among marginalised groups.<sup>354</sup>

The EMC supports ongoing public education campaigns with staff and clients of homeless organisations to assist persons experiencing homelessness enrol to vote or maintain their enrolment. The EMC also accepts that participation in state elections should be actively promoted in transitional housing and crisis accommodation centres.

**Recommendation 4.17: The Victorian Electoral Commission considers conducting electoral education about enrolment, voting and voting rights with people experiencing homelessness and staff of homeless organisations in accessible venues.**

**Recommendation 4.18: For the 2010 Victorian state election, the Victorian Electoral Commission considers promoting electoral participation in transitional housing and crisis accommodation centres.**

## Prisoners

### Definition

The *Constitution Act 1975* establishes which prisoners qualify or do not qualify as an elector in the state of Victoria. Section 48(2) of the *Constitution Act 1975* states that a person who-

- Has been convicted of treason under the law of Victoria or treason or treachery under the law of the Commonwealth or a State or Territory of the Commonwealth and has not been pardoned;

---

<sup>351</sup> A Hollows (Research and Development Manager), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>352</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>353</sup> Hanover Welfare Services, *Submission No. 3*, p. 2.

<sup>354</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

- Is serving a sentence of 5 years imprisonment or more for an offence against the law of Victoria, the Commonwealth or another state or a Territory of the Commonwealth;

is not entitled to be enrolled as an elector for the Council or Assembly.<sup>355</sup>

## Demographic information

As Victoria's current electoral law stands, of the 3,375 sentenced adult prisoners in Victoria, 759 adult prisoners are not entitled to be enrolled as an elector in the state of Victoria.<sup>356</sup>

## Voting eligibility

The EMC notes that in Victoria Indigenous persons were approximately 10 times more likely than non-Indigenous persons to be in prison as at 30 June 2007.<sup>357</sup> The EMC heard evidence from Greta Clarke, Research Officer with VALS about the over-representation of Aboriginal people in the criminal justice system which excludes a greater proportion of Indigenous electors compared with non-Indigenous electors from voting at state elections. At the public hearings she said:

Given the over-representation rate in the criminal justice system, we should open up the vote to people within prison.<sup>358</sup>

Such a proposal would require section 48(2)(b) of the *Constitution Act 1975* be amended to allow prisoners serving sentences of five years or more to vote in state elections.

Prisoner voting eligibility in Australia is dependent on the length of sentence and state law. For example Commonwealth electoral law disqualifies prisoners who receive sentences of three years or more but in South Australia no prisoner is disqualified from voting. Table 4.4 highlights who is not entitled to enrol and vote in state, territory and Commonwealth elections.

---

<sup>355</sup> *Constitution Act 1975* s 48(2).

<sup>356</sup> Victorian Government, *The statistical profile of the Victorian prison system 2002-03 to 2006-07*, Department of Justice, Melbourne, 2008, p. 27.

<sup>357</sup> Victorian Government, *The statistical profile of the Victorian prison system 2002-03 to 2006-07*, Department of Justice, Melbourne, 2008, p. 18.

<sup>358</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

**Table 4.4: Disenfranchisement of prisoners by state, territory and Commonwealth**

| Jurisdiction | Disqualification to enrol/vote is:                             |
|--------------|--|
| ACT          | Tied to Commonwealth law i.e. 3 years or longer <sup>359</sup> |
| NT           | Tied to Commonwealth law i.e. 3 years or longer <sup>360</sup> |
| NSW          | 1 year or longer <sup>361</sup>                                |
| QLD          | Tied to Commonwealth law i.e. 3 years or longer <sup>362</sup> |
| SA           | All prisoners are eligible to vote <sup>363</sup>              |
| TAS          | 3 years or longer <sup>364</sup>                               |
| VIC          | 5 years or longer <sup>365</sup>                               |
| WA           | 1 year or longer <sup>366</sup>                                |
| Commonwealth | 3 years or longer <sup>367</sup>                               |

The EMC notes the arguments for extending the franchise including:

- Voting is a fundamental human right;<sup>368</sup>
- Criminal justice policy should focus on rehabilitation rather than punishment;<sup>369</sup>
- Recent international court decisions declared prisoner voting bans invalid in Canada, the United Kingdom and South Africa;<sup>370</sup>

<sup>359</sup> J Davidson, *Inside outcasts: Prisoners and the right to vote in Australia*, Information and Research Services, Parliamentary Library, Canberra, 2004, p. 2.

<sup>360</sup> J Davidson, *Inside outcasts: Prisoners and the right to vote in Australia*, Information and Research Services, Parliamentary Library, Canberra, 2004, p. 2.

<sup>361</sup> *Parliamentary Electorates and Elections Act 1912* s 21(b).

<sup>362</sup> J Davidson, *Inside outcasts: Prisoners and the right to vote in Australia*, Information and Research Services, Parliamentary Library, Canberra, 2004, p. 2.

<sup>363</sup> South Australian Electoral Commission, *Frequently asked questions: Enrolment*, 2007. Retrieved 26 February 2008 from <http://www.seo.sa.gov.au/apps/news/?sectionID=88&pageID=78>.

<sup>364</sup> *Electoral Act 2004* s 31(2).

<sup>365</sup> *Constitution Act 1975* s 48(2).

<sup>366</sup> *Electoral Act 1907* s 18(1).

<sup>367</sup> J Davidson, *Inside outcasts: Prisoners and the right to vote in Australia*, Information and Research Services, Parliamentary Library, Canberra, 2004, p. 2.

<sup>368</sup> Australia is a signatory to the International Covenant on Civil and Political Rights (signed on 18 December 1972).

<sup>369</sup> C Uggen, J Manza & A Behrens, "Stigma, role transition and the civic reintegration of convicted felons", in S Maruna & R Immarigeon (eds), *After crime and punishment: Pathways to offender reintegration*, Willan, Cullompton, Devon, 2004, pp. 258-290; MK Dhami, "Prisoner disenfranchisement policy: A threat to democracy", *Analyses of Social Issues and Public Policy*, vol. 5, no. 1, 2005, pp. 235-247.

- Political participation promotes the social, economic and cultural agenda of all citizens and enables citizens to choose responsive representatives;<sup>371</sup>
- Views and preferences of the population are distorted if not all views are captured;<sup>372</sup>
- In Denmark, Finland, Greece, Ireland, Norway, South Africa, Sweden and Switzerland, as well as recently democratising countries including Croatia, Slovenia, Kosovo, Serbia, Albania, Czech Republic and Iraq, prisoners have unrestricted rights to vote;<sup>373</sup> and
- The Democratic Audit of Australia's Electoral Reform Agenda argues that as part of prisoners' rehabilitation into the duties of citizenship, the franchise should be extended to allow all prisoners to vote as occurs in South Australian state elections, "but as a minimum, to prisoners serving sentences of five years or less".<sup>374</sup>

No evidence was gathered through public hearings and submissions on the subject of restricting the franchise. Nevertheless, the EMC acknowledges the arguments, including:

- Prisoners would hold similar views as the majority of the general population;<sup>375</sup>
- The number of prisoners affected are minimal;<sup>376</sup>
- Prisoners do not deserve to choose their parliamentary representatives;<sup>377</sup> and
- There is a history of voting restrictions on criminal offenders.<sup>378</sup>

---

<sup>370</sup> B Rottinghaus & G Baldwin, "Voting behind bars: Explaining variation in international enfranchisement practices", *Electoral Studies*, vol. 26, no. 3, 2007, pp. 688-689.

<sup>371</sup> L Guinier, *The tyranny of the majority*, Free Press, New York, 1994, pp. 45-48.

<sup>372</sup> D Parkes, "Ballot boxes behind bars: Toward the repeal of prisoner disenfranchisement laws", *Temple Political and Civil Rights Law Review* vol. 13, no. Fall, 2003, pp. 71-112.

<sup>373</sup> D Parkes, "Ballot boxes behind bars: Toward the repeal of prisoner disenfranchisement laws", *Temple Political and Civil Rights Law Review* vol. 13, no. Fall, 2003, pp. 71-112; B Rottinghaus & G Baldwin, "Voting behind bars: Explaining variation in international enfranchisement practices", *Electoral Studies*, vol. 26, no. 3, 2007, p. 693.

<sup>374</sup> N Kelly, M Sawer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 3.

<sup>375</sup> LH Tribe, "The disenfranchisement of ex-felons: Citizenship, criminality, and the purity of the ballot box", *Harvard Law Review*, vol. 102, no. 6, 1989, pp. 1300-1317.

<sup>376</sup> TJ Miles, "Felon disenfranchisement and voter turnout", *Journal of Legal Studies*, vol. 33, no. 1, 2004, pp. 85-129.

<sup>377</sup> TJ Miles, "Felon disenfranchisement and voter turnout", *Journal of Legal Studies*, vol. 33, no. 1, 2004, pp. 85-129.

<sup>378</sup> D Parkes, "Ballot boxes behind bars: Toward the repeal of prisoner disenfranchisement laws", *Temple Political and Civil Rights Law Review* vol. 13, no. Fall, 2003, pp. 71-112.

The EMC recognises that the prisoner franchise is an ongoing issue. However, the EMC is of the view that the current legislation in relation to the voting rights for prisoners is appropriate.

## EMC's future research direction

### Automatic enrolment

Automatic enrolment has two purposes: the automatic enrolment of eligible electors at a particular point in time and the automatic updating of electors' electoral roll details.

In discussions at the public hearings with the EMC, the following organisations agreed that automatic enrolment is an initiative worthy of further consideration:

- ECCV;
- Hanover Welfare Services;
- VALS;
- UNYA; and
- VEC.

These organisations noted that automatic enrolment would be a mechanism to improve the level of voter enrolments for young persons, new citizens, and geographically mobile populations and, in turn, increase civic participation which is integral to good governance and a healthy democracy.<sup>379</sup>

The Electoral Commissioner of Victoria supports automatic enrolment. He told the EMC he held concerns that some 66,000 electors were disqualified from voting because they were not enrolled or had not maintained their enrolment.<sup>380</sup> He also explained that electors' preferences for updating their enrolment details may be changing. At the public hearings he said:

<sup>379</sup> United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*, p. 4; S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4; P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5; G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>380</sup> Victorian Electoral Commission, *Submission No. 20*, p. 79.



They [electors] will say, "Well, you already know. The government already knows where I am. Why can't you just use that record?" It is a different mindset in the public that we are dealing with.<sup>381</sup>

The VEC stated that it seeks endorsement to research enrolment procedures which will meet the needs of electors and improve the accuracy of the electoral roll.<sup>382</sup>

The EMC notes that automatic enrolment has been raised in parliamentary inquiries in Australia. The Legal, Constitutional and Administrative Review Committee of the Parliament of Queensland in 2006 recommended the introduction of automatic provisional enrolment of eligible persons aged 17 years. The same committee also proposed interim steps including:

- All driver's licence applications, renewal and change of address forms should include a box which may be ticked to indicate consent for the applicant's details to be forwarded to the Electoral Commission Queensland which will then send the applicant an electoral enrolment form;
- Provisional or full enrolment of all 17 year old students who are eligible to enrol as a prerequisite for receiving their certificate or results; and
- Provisional or full enrolment of all young persons who are eligible to enrol as a prerequisite to the issue of a tax file number and Centrelink payments.<sup>383</sup>

The Parliament of New South Wales' JSCEM supported automatic enrolment because for "certain groups ... [it] has the potential to improve the level of voter enrolment across New South Wales". As a result, the aforementioned Committee recommended the Government conduct a feasibility study to understand the issues associated with implementing automatic enrolment in New South Wales.<sup>384</sup>

The Democratic Audit of Australia also endorses automatic enrolment.<sup>385</sup>

Internationally, automatic enrolment has also been the subject of inquiry and discussion. Various countries have proposed automatic enrolment through the following mediums as an effective way of improving enrolment levels:

---

<sup>381</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>382</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 9.

<sup>383</sup> Parliament of Queensland, *Voices and votes: A Parliamentary inquiry into young people engaging in democracy*, Legal, Constitutional and Administrative Review Committee (Lesley Clark MP, Chair), Brisbane, 2006, p. 27.

<sup>384</sup> Parliament of New South Wales, *Inquiry into voter enrolment*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2006, p. 36.

<sup>385</sup> P Brent, *Time to introduce automatic enrolment in Australia*, Democratic Audit of Australia, Canberra, 2008, p. 3; N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 2.

- The Power Inquiry (UK) investigated the state of Britain’s democracy and recommended the introduction of automatic enrolment at age 16 with the allocation of National Insurance numbers;<sup>386</sup>
- The Chief Electoral Commissioner of Canada proposed to use the taxation system to automatically enrol eligible electors and update electors’ information. The Report into *Completing the Cycle of Electoral Reforms* recommended legislative amendments to enable electors to communicate with Elections Canada through their income tax returns to either enrol or update their details;<sup>387</sup> and
- Organisations including Demos, Fair Vote and the New American Foundation in the United States of America (USA) proposed to use driver’s licencing, the taxation system and a significant event such as high school graduation as a way of automatically enrolling eligible persons.<sup>388</sup>

The EMC is interested in exploring automatic enrolment. Although automatic enrolment has been identified in this current inquiry, wider consultation with stakeholders and investigation of automatic enrolment is required. Pursuant to section 33(3) of the *Parliamentary Committees Act 2003*, the EMC self-generated a new reference on 5 May 2008 to inquire into, consider and report to Parliament upon issues relating to voter participation and informal voting. The EMC looks forward to considering automatic enrolment as part of the new inquiry.

## Election day registration

Election day registration (EDR), otherwise known as “same day registration” enables eligible electors to enrol and cast a vote on election day and “eliminates registration as a separate step in voting”.<sup>389</sup>

EDR was raised in response to a discussion about the close of electoral rolls. At the public hearings the Electoral Commissioner of Victoria said:

Times have changed and we need to look differently and ... permit people to enrol and vote on the same day, as they do in Canada. This move if implemented could also have a profound impact on participation.<sup>390</sup>

---

<sup>386</sup> Joseph Rowntree Charitable Trust and Joseph Rowntree Reform Trust, *Power to the people: The report of power: An independent inquiry into Britain’s democracy* (Helena Kennedy QC, Chair), York Publishing Distribution, York, 2006, pp. 201-203.

<sup>387</sup> Chief Electoral Officer of Canada, *Completing the cycle of electoral reforms: Recommendations from the Chief Electoral Officer of Canada on the 38th general election*, Elections Canada, Ottawa, 2005, p. 50.

<sup>388</sup> New America Foundation, *Automatic voter registration: Using drivers licenses and tax databases for automatic registration*, 2006. Retrieved 6 February 2008 from [http://www.newamerica.net/publications/policy/automatic\\_voter\\_registration](http://www.newamerica.net/publications/policy/automatic_voter_registration); Fair Vote, *Automatic voter registration*, No date. Retrieved 7 February 2008 from <http://www.fairvote.org/?page=831>.

<sup>389</sup> S Knack, "Election day registration: The second wave", *American Politics Research*, vol. 29, no. 1, 2001, p. 67.

The Democratic Audit of Australia also supports extending (and potentially abolishing) the close of rolls.<sup>391</sup> The EMC notes that EDR is currently used in the USA and Canada.<sup>392</sup>

The EMC expects to consider EDR in its inquiry into voter participation and informal voting.

---

<sup>390</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>391</sup> N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, p. 2.

<sup>392</sup> Elections Canada, *Election day: You can still register to vote*, 2006. Retrieved 11 February 2008 from <http://www.elections.ca/content.asp?section=med&document=jan2006&dir=pre&lang=e&textonly=f> also; Wikipedia, *Election day registration*, 2007. Retrieved 6 February 2008 from [http://en.wikipedia.org/wiki/Election\\_Day\\_Registration](http://en.wikipedia.org/wiki/Election_Day_Registration).

---

## Chapter Five: Administrative aspects of political parties

The EMC has identified key issues associated with the administrative aspects of political parties and reports on its findings in this chapter. Topics for discussion include:

- Registration of political parties;
- Nominations;
- Party involvement in postal voting;
- Campaigning at voting centres;
- Clarification on bribery; and
- Funding and disclosure.

### Registration of political parties

#### Political party registration arrangements

The *Electoral Act 2002* governs the registration arrangements for political parties in Victoria. The Act stipulates that the VEC must establish and maintain a register of political parties. Political parties qualify for registration by providing the VEC with a written constitution, name and address of the proposed registered officer, a statutory declaration about the number of eligible members and a list of at least 500 Victorian electors who are members of the party<sup>393</sup> and an application fee.<sup>394</sup> Although political parties and independent candidates are not required to register with the VEC to participate in a parliamentary election, registration offers a number of entitlements including:

- The right to have the party's name on ballot papers;

---

<sup>393</sup> The members must not be a member of another registered political party.

<sup>394</sup> Victorian Electoral Commission, *Submission No. 20*, p. 49.

- A requirement to nominate candidates and register HTV cards centrally with the VEC;
- Access to enrolment and voter information on a periodic basis; and
- Public funding for registered political parties and independent candidates which receive at least 4% of the total number of first preference votes.<sup>395</sup>

Once registered, the process of re-registering with the VEC occurs once during each parliamentary term with the requirements for re-registration being the same as those for registration.<sup>396</sup>

At the issue of the writs for the 2006 Victorian state election on 31 October 2006 there were 12 political parties registered with the VEC.<sup>397</sup>

## The “500 rule” and the “no overlap rule”

The “500 rule” refers to section 45(2)(f) of the *Electoral Act 2002* whereby an eligible political party’s application to register in Victoria must include a list of the “names and addresses of at least 500 members of the political party”.<sup>398</sup> This rule seeks to establish membership of political parties and ensure there is “no overlap” with other parties’ membership.

John Mulholland, Secretary and Registered Officer of the Democratic Labor Party (DLP), informed the EMC about the DLP’s concerns regarding the “500 rule” and the “no overlap rule”.<sup>399</sup> He referred the EMC to the DLP’s submission to the High Court which questioned the constitutional validity of the two rules. He argued that the “500 rule” and the “no-overlap rule” “infringed the implied constitutional freedom of political communication because the ballot paper was a form of communication with voters and an unregistered party cannot have its name printed on it”.<sup>400</sup>

In *Mulholland v Australian Electoral Commission*, John Mulholland stated that the “two rules contravened the constitutional requirement of direct choice by the people because they impaired the making of an informed choice by voters and they unreasonably discriminated between candidates from registered and unregistered parties”.<sup>401</sup> The High Court rejected these claims on the basis that “both rules were consistent with the constitutional

---

<sup>395</sup> Victorian Electoral Commission, *Submission No. 20*, p. 49.

<sup>396</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>397</sup> Victorian Electoral Commission, *Submission No. 20*, p. 16.

<sup>398</sup> *Electoral Act 2002* s 45(2)(f).

<sup>399</sup> J Mulholland (Secretary and Registered Officer), Democratic Labor Party, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 1-6.

<sup>400</sup> High Court of Australia, *Statement: John Vincent Mulholland v Australian Electoral Commission*, High Court of Australia, Canberra, 2004, p. 1.

<sup>401</sup> High Court of Australia, *Statement: John Vincent Mulholland v Australian Electoral Commission*, High Court of Australia, Canberra, 2004, p. 1.

requirements of direct choice by the people and with representative government".<sup>402</sup>

At the public hearings, John Mulholland said these rules disproportionately affected smaller parties because smaller political parties were required to provide a higher proportion of their membership to justify their registration, compared with the larger political parties. He said:

Members of the Democratic Labor Party have been concerned over a long period of time that the registration requirements for political parties serve to undermine the principle of the secret ballot, intrude on privacy and put barriers in the way of freedom of association.<sup>403</sup>

John Mulholland also drew attention to the fact that smaller parties also find onerous re-registration and registration reviews.<sup>404</sup> This was recognised by Justice Kirby in *Mulholland v Australian Electoral Commission*<sup>405</sup> and confirmed by the Electoral Commissioner of Victoria, Steve Tully, at the public hearings. He said:

What made it a compounding issue for some of the parties is that we did the re-registration test in the year leading up to the last election, as we have to because there is a mid-term re-registration that all parties have to go through. For example, some parties will have to go through that test three times within four or five years.<sup>406</sup>

In addition, John Mulholland suggested at the public hearings that the requirements of registration – to provide details of 500 members – may impede electors from participating in the electoral process, not as voters, but as members of a political party. He said:

Mr Mulholland—Voting in elections is one means of participation in the electoral process, and that is available to every registered voter, but participation in the electoral process itself can involve much more than that, particularly participation in political parties. We would think that if people are not able to feel encouraged to join political parties, their participation is somewhat restricted and the registration system as far as we are concerned imposes a burden that would discourage some people from participating by belonging to a political party, or at least belonging to a political party when they know that their personal particulars are going to be submitted to a bureaucratic body. Any agency of government we believe has no business knowing the allegiances of individual members of a political party.

The Chair—So you are saying that the registration process impedes participation within political parties?

<sup>402</sup> High Court of Australia, *Statement: John Vincent Mulholland v Australian Electoral Commission*, High Court of Australia, Canberra, 2004, p. 1.

<sup>403</sup> J Mulholland (Secretary and Registered Officer), Democratic Labor Party, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>404</sup> Democratic Labor Party, *Submission No. 5*, p. 3.

<sup>405</sup> *Mulholland v Australian Electoral Commission* (2004) HCA 41; 220 CLR 181; 209 ALR 582; 78 ALJR 1279 (8 September 2004).

<sup>406</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 13.

Mr Mulholland—It discourages people from joining political parties if they know that their names are going to be handed over to somebody outside the political party.<sup>407</sup>

In response, Steve Tully, Electoral Commissioner of Victoria, assured the EMC that the VEC's processes were secure. A discussion which arose between committee member Murray Thompson MP and Steve Tully was reported as follows:

Mr Thompson—From your point of view the names of members supplied to you, there is a secure process that applies to the names of those people.

Mr Tully—Absolutely.

Mr Thompson—If someone went to another limb of government their interests would not be—

Mr Tully—In fact a major party was anxious about that also and as soon as we had finished our work we securely destroyed the records and gave them back their file. We kept no record. Once we are satisfied we do not keep a record.<sup>408</sup>

John Mulholland requested the EMC consider the removal of the “500 rule” from the *Electoral Act 2002*. He said:

There is no need for a registration system that requires the names of individual members of political parties to be registered in order to meet the aims of the registration system. ... It is the position of the Democratic Labor Party that the registration scheme is not needed at all.<sup>409</sup>

The EMC acknowledges that the Commonwealth and states stipulate the number of members required for registration. Membership requirements range from 100 members (Tasmania) to 750 members (New South Wales); Victoria's “500 rule” is in line with Commonwealth electoral law.

The EMC recognises that Justice Kirby in *Mulholland v Australian Electoral Commission* accepted that the provision for political party members to “reveal their political allegiances to government officials ... could carry risks of present or future disadvantage” and referred to the *Communist Party Dissolution Act 1950* which imposed personal and property disadvantages on “communists” as a pertinent example.<sup>410</sup>

Upon further investigation and given the VEC's public assurance of absolute security regarding the names of the 500 members submitted to it, the EMC understands that the registration system does not jeopardise the privacy of the 500 members of registered political parties in Victoria. The EMC gathered additional evidence about the information the VEC publicly discloses about registered political parties. The EMC notes that the name

---

<sup>407</sup> J Mulholland (Secretary and Registered Officer), Democratic Labor Party, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>408</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 13-14.

<sup>409</sup> J Mulholland (Secretary and Registered Officer), Democratic Labor Party, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>410</sup> *Mulholland v Australian Electoral Commission* (2004) HCA 41; 220 CLR 181; 209 ALR 582; 78 ALJR 1279 (8 September 2004).

and address of only one member – the registered officer of the political party – appears in the register of political parties and the notice of application for registration in the *Victoria Government Gazette*.<sup>411</sup>

The EMC recognised that the evidence gathered suggests smaller political parties experienced a greater administrative burden from registration and re-registration with the VEC. Although the EMC notes that a healthy democracy should encourage the participation of political parties, it accepts that registration requirements as defined in the *Electoral Act 2002* must apply to all political parties.

Nevertheless, the EMC is aware of the different registration/re-registration requirements for parliamentary parties and non-parliamentary parties under the *Commonwealth Electoral Act 1918* which may provide some administrative relief to parliamentary parties with smaller membership numbers. For example, for registration the AEC requires a parliamentary party to provide a letter and a statutory declaration:

The Parliamentary member, or members, sponsoring the application [are] to confirm their party membership by letter to the AEC on their official Parliamentary letterhead. This letter should confirm that they are not members of any political party other than the applicant political parties; and the secretary of the party should provide a statutory declaration affirming that the Parliamentary member (or members), are members of the party.<sup>412</sup>

On the other hand, a non-parliamentary party is subject to “the 500 rule” which requires that:

The originals, or copies of, at least 500 signed membership application forms, each declaring that the signatory is a member of the party and is entitled to be enrolled on the Commonwealth electoral roll, should be provided. Each form should include a unique annexure number, and be also signed by the party secretary and witnessed by the witness to the statutory declaration discussed below;

A Microsoft compatible electronic membership list; ... [and]

A statutory declaration from the party secretary affirming that the 500 or more membership application forms have each been signed by the person whose details appear on the form, and that each is a member of the party.<sup>413</sup>

The EMC is aware that the provision defined in the *Commonwealth Electoral Act 1918* may be helpful to smaller parliamentary parties such as the DLP. It would also harmonise this provision in Victorian and Commonwealth

---

<sup>411</sup> Victorian Electoral Commission, *Privacy and political party registration information*, No date. Retrieved 23 April 2008 from <http://www.vec.vic.gov.au/privacyparties.html>.

<sup>412</sup> Australian Electoral Commission, *Federal registration of political parties handbook*, Australian Electoral Commission, 2007. Retrieved 7 May 2008 from [http://www.aec.gov.au/Parties\\_and\\_Representatives/Party\\_Registration/Handbook/application.htm](http://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Handbook/application.htm)

<sup>413</sup> Australian Electoral Commission, *Federal registration of political parties handbook*, Australian Electoral Commission, 2007. Retrieved 7 May 2008 from [http://www.aec.gov.au/Parties\\_and\\_Representatives/Party\\_Registration/Handbook/application.htm](http://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Handbook/application.htm)



electoral law. This issue is worthy of further investigation by the Victorian Government.

**Recommendation 5.1: The Victorian Government considers amending the *Electoral Act 2002* to provide different registration requirements for parliamentary parties and non-parliamentary parties in line with the Commonwealth electoral provisions.**

## Registration of People Power

The EMC received a submission from William Hackett about the legitimacy of the registration of the political party People Power. From his submission, the EMC identified William Hackett's key concerns as:

- People Power was registered incorrectly as "People Power" and not "People Power Incorporated";
- People Power's Constitution did not contain any membership renewal provisions; and
- People Power's application for registration was signed by the president of the party yet under section 45(2) of the *Electoral Act 2002*, application for the registration of an eligible political party must be in writing and signed by the secretary of the party.<sup>414</sup>

The VEC's supplementary submission to the EMC indicated that William Hackett objected to the application for registration of People Power and met with the VEC. The VEC informed the EMC that People Power's registration was legitimate as the VEC received over 500 responses to its mail out to individuals stating that they were members of People Power. The VEC told the EMC that William Hackett had appealed to VCAT but his case was withdrawn with the subsequent deregistration of People Power after the election review.<sup>415</sup>

From his experiences with People Power, William Hackett had further registration concerns and requested the EMC consider the following:

- The *Electoral Act 2002* (section 50) be amended to the effect that registration of political parties does not come into effect until the expiration of the time mentioned in section 60(3) or the proceedings in VCAT have been finalised;
- How the Electoral Commissioner verifies the confirmation of membership of political parties be clarified in the *Electoral Act 2002*;
- The appropriateness of the "VEC confirmation party membership form";

---

<sup>414</sup> W Hackett, *Submission No. 24*, pp. 5-9, 25-27, 32-37.

<sup>415</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*, p. 2.

- The VEC should provide a list of registered political parties and their respective office holders on their website;
- Perpetual membership of political parties should be illegal; and
- The Electoral Commissioner be given powers in the *Electoral Act 2002* to ban people from being office holders of political parties.

The EMC sought advice from the VEC regarding amending the *Electoral Act 2002* to the effect that registration of political parties does not come into effect until 28 days after the decision or proceedings in VCAT have been finalised. The VEC advised that such an amendment would be contrary to the way appeal processes usually work. Liz Williams, Deputy Electoral Commissioner of Victoria advised:

Usual practice is that a decision is made – an appeal may be lodged, but the original decision is effective until the outcome of the appeal is known. Consider the situation of an appeal against the VEC’s decision to register a party being lodged just prior to a State election. If it was necessary to postpone registration until the appeal had been heard, the party would be denied registration status at the election – even if the appeal was subsequently dismissed. Our view would be that the current arrangements under the Act are satisfactory.<sup>416</sup>

The EMC does not support changing the registration provisions as contained in section 50 of the *Electoral Act 2002*.

The EMC communicated with the VEC about the process of membership confirmation and was informed that registered political parties send the VEC a list of members. Liz Williams, Deputy Electoral Commissioner of Victoria, noted that the second phase of membership confirmation requires the VEC to send a “VEC confirmation party membership form” to all persons listed as members.<sup>417</sup>

The EMC is concerned about the “VEC confirmation party membership form”, submitted by William Hackett as part of his submission. The EMC finds that the form is designed for electors who are members of political parties. For those electors who have withdrawn their membership (and are no longer members), the questions do not enable the elector to answer accurately given that the elector is asked three questions but can only provide one answer (“yes” or “no”) to all three questions. The EMC encourages the VEC to review the “VEC confirmation party membership form”.

The EMC notes that the VEC’s register of political parties lists all registered political parties in Victoria and their respective office holders.<sup>418</sup> While the

---

<sup>416</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>417</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>418</sup> Victorian Electoral Commission, *Privacy and political party registration information*, No date. Retrieved 23 April 2008 from <http://www.vec.vic.gov.au/privacyparties.html>.

register of political parties must be available for public inspection, free of charge, at the office of the VEC,<sup>419</sup> the EMC puts forward that as the VEC's website is the electronic gateway to the VEC, the register should be published on its website. The EMC notes that this is the practice of electoral commissions in the Australian Capital Territory,<sup>420</sup> New South Wales<sup>421</sup> and Queensland,<sup>422</sup> the practice of which increases accessibility and transparency of information.

The EMC notes the concerns of William Hackett regarding perpetual membership of political parties. The EMC stresses the importance of membership renewal provisions in political party constitutions. The *Electoral Act 2002* does not specify the structure and content of political party constitutions. However, the EMC notes that the AEC provides guidelines about the structure and content of party constitutions (as these are not specified in the *Commonwealth Electoral Act 1918*). According to the AEC, matters which should be addressed in a federally registered political party's constitution include:

The aims of the party, one of which must be endorsement of candidates to contest ... elections;

The terms and conditions of party membership e.g. procedures for accepting new members and lapsing or terminating membership; ...

The costs and benefits of incorporation as a company or an association;

Governance arrangements e.g. procedures for appointing office bearers, establishing committees, quorum and meeting requirements etc;

Party structure, including related branches and divisions;

Procedures for amending the constitution; and

Procedures for winding up the party.<sup>423</sup>

The EMC finds that party constitutions should contain a membership provision which covers membership eligibility, procedure for membership, types of membership and how membership shall be renewed, terminated and/or reinstated. The EMC suggests the VEC should consider developing guidelines, similar to those described above, to provide to political parties upon application for registration in Victoria.

---

<sup>419</sup> *Electoral Act 2002* s 59.

<sup>420</sup> See ACT Electoral Commission, *Register of political parties*, 2007. Retrieved 24 April 2008 from <http://www.elections.act.gov.au/parties/PartyReg.html>.

<sup>421</sup> See New South Wales Electoral Commission, *State registered political parties*, 2007. Retrieved 24 April 2008 from [http://www.elections.nsw.gov.au/state\\_government\\_elections/registered\\_political\\_parties/state\\_registered\\_political\\_parties](http://www.elections.nsw.gov.au/state_government_elections/registered_political_parties/state_registered_political_parties).

<sup>422</sup> See Electoral Commission Queensland, *Political parties*, 2008. Retrieved 24 April 2008 from <http://www.ecq.qld.gov.au/asp/index.asp?pgid=184>.

<sup>423</sup> Australian Electoral Commission, *Federal registration of political parties handbook*, Australian Electoral Commission, 2007. Retrieved 7 May 2008 from [http://www.aec.gov.au/Parties\\_and\\_Representatives/Party\\_Registration/Handbook/application.htm](http://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Handbook/application.htm)

The *Electoral Act 2002* section 44 provides that the registered officer of a political party is the person shown on the register of political parties as the registered officer of that political party. Although the provision does not stipulate eligibility requirements for the registered office holder, the EMC does not support the VEC having the authority to “ban” people from being registered office holders, as proposed by William Hackett.<sup>424</sup>

**Recommendation 5.2: The Victorian Electoral Commission considers reviewing the “Victorian Electoral Commission confirmation party membership form”.**

**Recommendation 5.3: The Victorian Electoral Commission considers publishing on its website the register of political parties in Victoria and their respective office holders.**

**Recommendation 5.4: The Victorian Electoral Commission considers developing guidelines about the structure and content of party constitutions to be provided to political parties upon application for registration.**

## Nominations

### Nomination arrangements

Changes to nomination procedures for Legislative Council candidates, as detailed in the *Electoral Act 2002* (sections 68 and 69), reflected the new voting system for the Legislative Council. The VEC’s submission noted that at the 2006 Victorian state election:

The number of nominators required for Legislative Council candidates not endorsed by a registered political party has increased from six to fifty;

Two or more candidates for a Legislative Council region can apply to the VEC to be treated as a group on the ballot paper; ... and

The nomination deposit for Legislative Council candidates has been reduced from \$700 to \$350. If a group receives at least 4% of the total number of first preference votes combined, all the candidates in the group have their deposits refunded, even if individual members of the group obtain less than 4%.<sup>425</sup>

### 2006 Victorian state election

On 1 November 2006, the VEC advertised for nominations for election to the Parliament of Victoria in all daily newspapers throughout Victoria. Prospective candidates were given a Candidate’s Information Kit from Election Managers.<sup>426</sup>

<sup>424</sup> W Hackett, *Submission No. 24 Supplementary No. 1*, p. 5.

<sup>425</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>426</sup> Victorian Electoral Commission, *Submission No. 20*, p. 49.

Nominations by candidates endorsed by registered political parties closed at midday on 9 November 2006; nominations by independent candidates and candidates from unregistered political parties closed at midday on 10 November 2006.<sup>427</sup>

At the close of nominations on 10 November 2006 there were 707 candidates.<sup>428</sup> Of the 707 candidates, 459 candidates were for the Legislative Assembly (88 districts) and 248 candidates for the Legislative Council (8 regions).<sup>429</sup> Table 5.1 highlights the steady increase over the last three elections of candidates from registered political parties. For example, there has been an increase of 230 candidates since the 2002 Victorian state election. At the same time, the number of independent candidates has decreased.

**Table 5.1: Candidates at recent Victorian state elections\***

|   |                      | 2006   | 2002                                     | 1999                                       |
|---|----------------------|--|--|--|
| Candidates  |                      | 707  | 477                                      | 406  |
| Male candidates                                       |                      | 472  | 319                                      | 279  |
| Female candidates                                     |                      | 235  | 158                                      | 127  |
| Party candidates                                      |                      | 644  | 412                                      | 328  |
| Independent candidates                                |                      | 63   | 65                                       | 78   |
| Highest number of candidates contesting an electorate | Legislative Assembly | Bayswater District (8)                                   | Melbourne District (8)                   | Frankston East supplementary election (16) |
|   | Legislative Council  | Eastern Victoria and Northern Victoria Regions (38 each) |  |  |
| Least number of candidates contesting an electorate   | Legislative Assembly | Four candidates in each of 23 districts                  | Three candidates in each of 25 districts | Two candidates in each of 29 districts     |
|   | Legislative Council  | Western Metropolitan Region (26)                         |  |  |

\* Includes simultaneous Upper House by-elections

Source: Victorian Electoral Commission, *Submission No. 20*, p. 50.

<sup>427</sup> Victorian Electoral Commission, *Submission No. 20*, p. 49.

<sup>428</sup> Victorian Electoral Commission, *Submission No. 20*, p. 16.

<sup>429</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.

The number of candidates according to political allegiance appears in Chapter One.

## Albert Park District and Williamstown District by-elections

At the close of nominations on 31 August 2007 there were 18 candidates nominated for the Albert Park District and Williamstown District by-elections. The Liberal Party did not nominate any candidates.<sup>430</sup> Table 5.2 highlights the candidates' political affiliations and gender.

**Table 5.2: Comparison of the candidates at the 2006 Victorian state election and Albert Park District and Williamstown District by-elections**

|                               | 2006 Victorian state election |              | 2007 by-elections |              |
|-------------------------------|-------------------------------|--------------|-------------------|--------------|
|                               | Albert Park                   | Williamstown | Albert Park       | Williamstown |
| <b>Total candidates</b>       | 7                             | 5            | 9                 | 9            |
| <b>Male candidates</b>        | 7                             | 4            | 9                 | 4            |
| <b>Female candidates</b>      | 0                             | 1            | 0                 | 5            |
| <b>Party candidates</b>       | 6                             | 4            | 5                 | 4            |
| <b>Independent candidates</b> | 1                             | 1            | 4                 | 5            |

Source: Victorian Electoral Commission, *Submission No. 28*, pp. 3, 4, 8.

Table 5.2 highlights the increase in candidates for the September 2007 Albert Park District and Williamstown District by-elections, in particular the increase in independent candidates in both districts and female candidates in the Williamstown District. The EMC noted that the increased number of independent candidates for the by-elections is contrary to the historical trends of Victorian state elections held in 1999, 2002 and 2006.

## Nomination of independent candidates

The EMC received a submission from Mary Madigan who felt that the amount of time that independent candidates had available to nominate themselves was insufficient. She said:

I believe independent parties [candidates] have only a short window of opportunity to submit themselves as available.<sup>431</sup>

<sup>430</sup> Victorian Electoral Commission, *Submission No. 28*, p. 6.

<sup>431</sup> M Madigan, *Submission No. 2*, p. 1.

As noted earlier, nominations closed at midday on 10 November 2006 for independent candidates contesting the 2006 Victorian state election, giving these candidates six and a half working days between the issue of the writ and close of nominations to nominate.

The EMC notes Mary Madigan's concerns, especially in light of the steadily decreasing number of independent candidates participating in parliamentary elections. Nevertheless, it is the EMC's view that the introduction of a fixed election day for general elections will assist independent candidates to thoughtfully plan and consider their nomination arrangements.

## Party involvement in postal voting

The *Electoral Act 2002* provides for the distribution of postal vote application forms to electors by the VEC and registered political parties. Historically, the three major registered political parties have reproduced and distributed postal vote application forms and included them with campaign materials.<sup>432</sup>

The VEC's submission advised that a postal voting protocol had been introduced and the VEC had worked with registered political parties about the production and distribution of postal vote application forms.<sup>433</sup> Steve Tully, Electoral Commissioner of Victoria, explained:

We actually work with the parties, and work up a protocol with all parties who were intending to issue these postal vote application [form]s. We wanted to have these applications clearly authorised, so that electors and voters could see who was putting the material out, we wanted it clearly stated on the form that it was a party application, and that that material, if it was filled in by an elector, would go back to the party, before it was passed on to us, and all of the applications that I've seen have adhered to those principles.<sup>434</sup>

The VEC's submission stated that a number of issues had arisen from political party involvement in postal voting at the 2006 Victorian state election:

- Approximately 200 electors complained about the inclusion of party postal vote application forms with campaign material. Electors described this practice as confusing and misleading (i.e. many electors thought the application form was from the VEC, when it was not);
- Administrative issues associated with delays in the receipt of completed applications from registered political parties which led to delays in despatch of ballot material;
- Some electors submitted multiple applications to vote by post; and

---

<sup>432</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>433</sup> Victorian Electoral Commission, *Submission No. 20*, p. 48.

<sup>434</sup> S Tully, ABC Local Radio: Mornings, 3 November 2006, p. 3 cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 4*, p. 11.

- High numbers of electors applied for a postal vote but inadvertently cast their vote at an early voting centre (EVC).<sup>435</sup>

At the public hearings, Steve Tully again put forward his concerns about party involvement in postal voting. He said:

Whilst we [VEC] do have a good professional relationship with political parties, this [party postal voting] does get into the area of grey as to who is administering, who is mobilising the vote. ... What always worries us is that we will get the [postal vote] applications after they have been processed but so late in the day that we cannot get the votes out. ... It seems to us to be a cleaner process to have one authority issuing postal vote applications.<sup>436</sup>

The VEC also conveyed the varying sentiments of registered political parties about party involvement in postal voting:

Parties were generally satisfied with the process of sending out and receiving postal votes for the 2006 election. Smaller parties who were not able to distribute postal vote applications generally felt that the ability to distribute postal vote applications provides an additional method of advertising for these parties, and thus advantages those parties with the resources to undertake this process.<sup>437</sup>

The VEC informed the EMC that party involvement in postal voting was also an issue for it during the Albert Park District and Williamstown District by-elections and provided examples of voter confusion and administrative delays which detracted from a positive voting experience:

Some recipients believed that this application was their actual vote, or that it was a vote for the party who had distributed it. Most importantly, the VEC had to contact a total of 43 electors to make alternative voting arrangements as applications from these electors were delivered to the VEC after the closing date for postal vote applications. Some of these applications were signed by the applicant or witness as much as 13 days prior to the date the party submitted them to the VEC.<sup>438</sup>

The Democratic Audit of Australia has also advocated the restriction of party involvement in postal voting at federal elections:

It subverts the AEC's independent administration of the election, unnecessarily delaying the postal vote process and provides an unfair electoral advantage to incumbent parliamentarians (and cashed-up parties).<sup>439</sup>

The VEC also alerted the EMC to a relevant newspaper article in *The Canberra Times* about the impact of party involvement in postal voting on the representation of the AEC:

[O]f concern is the damage this practice does to the standing of the AEC as an independent administrator of elections. The "official" application forms sent out by the

<sup>435</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 48, 56, 120.

<sup>436</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 14-15.

<sup>437</sup> Victorian Electoral Commission, *Submission No. 20*, p. 56.

<sup>438</sup> Victorian Electoral Commission, *Submission No. 28*, p. 24.

<sup>439</sup> N Kelly, M Sawyer & P Brent, *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008, pp. 2-3.



party representatives are combined with campaigning material. This creates a perception of a close connection between the AEC and a party's election campaign. This perceived connection with the AEC undermines the AEC's independent position.<sup>440</sup>

The VEC requested the EMC consider amending the *Electoral Act 2002* so that only the VEC would be authorised to distribute postal vote application forms.<sup>441</sup>

The EMC notes that political party involvement in postal voting is of concern to some electors, the VEC and other electoral commissions and with postal voting increasing, this issue may become more of a concern in the future. However, one of the findings of the EMC is that registered political parties are sufficiently organised and resourced to promote postal voting to a substantial number of electors and at less cost to taxpayers. At the public hearings, in a discussion between EMC member, Michael O'Brien MP and the Electoral Commissioner of Victoria, the EMC heard that the VEC's postal vote application forms campaign strategy is not as far-reaching as those of political parties:

Mr O'Brien—Is the commission proposing that it would send a postal vote application as widely as the parties currently do at their own expense?

Mr Tully—No. ... For postal voting, we will run our normal campaign and people could download an application or go to a post office or get one from any election office.<sup>442</sup>

Luke O'Sullivan, State Director of The Nationals, confirmed registered political parties' ability to distribute postal vote application forms:

Most of the parties tend to distribute postal vote applications fairly broadly.<sup>443</sup>

The EMC notes that with the introduction of a fixed election day at Victorian state elections, registered political parties may be even better placed to promote postal voting and assist the exercise of the franchise. Accordingly, the EMC does not support the VEC having sole distribution rights of postal vote application forms.

## Campaigning at voting centres

### Mobile voting centres

The EMC understands that the VEC will "clarify candidates' responsibilities in relation to mobile voting to ensure candidates only visit scheduled mobile

---

<sup>440</sup> N Kelly, "Slippery slope of going postal", The Canberra Times, 31 October 2007 cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 4*, p. 11.

<sup>441</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120; Victorian Electoral Commission, *Submission No. 28*, p. 24.

<sup>442</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 15.

<sup>443</sup> L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 8.

voting centres prior to the commencement of voting. ... The VEC will also provide clear guidelines regarding mobile voting services and processes to political parties and candidates.”<sup>444</sup>

The EMC supports the VEC clarifying and establishing clear guidelines about the physical distance candidates are required to maintain while electors are voting at mobile voting centres.

## Occupational health and safety issues

### 2006 Victorian state election

The Nationals informed the EMC that election officials displayed a lack of flexibility towards political party staff and volunteers who were distributing HTV cards at some rural and regional voting centres at the 2006 Victorian state election. The EMC heard that although it was late November and some northern areas of the state were very hot, “35 degrees plus”, election officials enforced the *Electoral Act 2002* (section 158) which stipulates that those handing out HTV cards were not allowed within 3 metres of the voting centre. Due to the operating hours of early voting centres being from early morning until late afternoon, party staff and volunteers were standing in direct sunlight and heat for lengthy periods. They were not permitted to take refuge under shaded areas such as trees or verandas due to the strict enforcement of the Act.<sup>445</sup>

The EMC heard that this practice had health and safety implications for staff and volunteers. Luke O’Sullivan, State Director of The Nationals, reported the following incidents which occurred at early voting centres and on election day:

There were certainly cases of volunteers fainting on election day itself. There was one example of one of our people handing out a How to Vote card in the Wangaratta area who spent a night in hospital. It is certainly something we need to be aware of with the election being held late November which is a warm part of the year.<sup>446</sup>

Furthermore, the health implications were often compounded by the age of volunteers and the extended period of early voting. Luke O’Sullivan noted:

With the operating hours of those centres being from early morning until late afternoon, and with sometimes people being there for the whole day and more—we can now have two weeks of early voting—I guess there are some possible health issues that could come to those people who have to stand there and hand out those cards. Often from a volunteer capacity, some of those people are older. For older people to be standing in 35-plus degree heat for a length of time, it is probably an area that I think the committee might—certainly from The Nationals point of view we would like to see a little bit of flexibility applied or some commonsense applied in

<sup>444</sup> Victorian Electoral Commission, *Submission No. 20*, p. 116.

<sup>445</sup> The Nationals, *Submission No. 18*, p. 1.

<sup>446</sup> L O’Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

relation to some of those fundamentals of the welfare of those people handing out the cards.<sup>447</sup>

Robin Scott MP, an EMC member, expressed concern for the wellbeing of volunteers and party staff. He drew on his own personal experience to support the sentiments of Luke O'Sullivan:

As someone who has worked on different occasions in country booths on hot days, I would like to support your comments about early voting centres. This was not an early voting centre, but on a smaller booth it is not unusual for campaign workers to work all day sitting in the sun. ... As a society we are becoming more aware of the requirements, particularly in terms of skin cancer, but there are other things about dehydration and [issues associated with] working all day in a hot environment.<sup>448</sup>

The EMC acknowledges that a safe and healthy environment should be provided for volunteers and party staff at voting centres. The EMC understands that the VEC provides Occupational Health and Safety (OH&S) training for all Election Managers.<sup>449</sup> However, it may be worthwhile extending this training to Voting Centre Managers and Assistant Voting Centre Managers and include within this training discussions of how to manage situations as described above. The EMC also supports amending the *Electoral Act 2002* to enable election managers to vary the provision whereby HTV cards cannot be handed out within 3 metres of the voting centre during extreme weather conditions.

**Recommendation 5.5: The Victorian Electoral Commission considers extending Occupational Health and Safety training to Voting Centre Managers and Assistant Voting Centre Managers and include within this training discussions of how to manage enforcing the “3 metre rule” when party staff and volunteers are handing out how to vote cards during extreme weather conditions.**

**Recommendation 5.6: The Victorian Government considers amending the *Electoral Act 2002* to enable Election Managers to vary the provision so that how to vote cards can be handed out within 3 metres of the voting centre during extreme weather conditions.**

## **Albert Park District and Williamstown District by-elections**

The EMC was informed that a party worker had made an official complaint to the VEC about having to stay outside the voting centre during the Albert Park District by-election.<sup>450</sup> The EMC is unaware of any factors such as extreme weather, as discussed above, which may have led to this complaint being made.

---

<sup>447</sup> L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 2-3.

<sup>448</sup> Robin Scott MP cited in L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 5-6.

<sup>449</sup> Victorian Electoral Commission, *Submission No. 20*, p. 64.

<sup>450</sup> Victorian Electoral Commission, *Submission No. 28*, p. 16.

## Bribery

The *Electoral Act 2002* section 151 stipulates the rules pertaining to bribery.<sup>451</sup>

Two cases of alleged bribery were referred to the VGSO for advice during the 2006 Victorian state election period. The VGSO ruled that in these cases the dollar amount outlaid by the political parties did not constitute bribery.<sup>452</sup>

The EMC noted that one of the complaints, "Pots with the Pollies", received substantial media attention. The complaint alleged that The Nationals offered free alcohol to individuals at the Bairnsdale races two weeks prior to the 2006 Victorian state election, which may have influenced electors' voting preferences.<sup>453</sup> The complaint was dismissed by the VEC. The Electoral Commissioner of Victoria, Steve Tully, was reported to have said that:

He had been advised a few glasses of beer was not considered of sufficient value to influence a vote.<sup>454</sup>

Media reports have called for parliaments to clarify the rules related to bribery.<sup>455</sup> The EMC was asked by the VEC to provide a "definitive clarification on the specifics of what dollar amount, or classification of gift, would constitute bribery".<sup>456</sup>

Research suggests that a broad definition of electoral bribery is preferable because it would be impossible to imagine, let alone list, all categories of bribes and define what amounts constitute "purchasing" support in a particular context.<sup>457</sup>

In spite of the conflicting opinions, the EMC recognises that it is in the best interests of all candidates to have clear rules about bribery. The EMC is aware that the *Electoral Act 2002* does not specify electoral treating, which was the particular issue at the core of the "Pots with the Pollies" incident. Only electoral law in New South Wales, Western Australia and Tasmania have specific anti-electoral treating provisions. Tasmania, in particular

---

<sup>451</sup> *Electoral Act 2002* s 151.

<sup>452</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124.

<sup>453</sup> ABC News, "Electoral commission dismisses 'Pots with the Pollies' complaint", *ABC News Online*, 21 February 2007. Retrieved 1 August 2007 from <http://www.abc.net.au/news/australia/vic/summer/200702/s1852944.htm>; B Donohoe, "Adding booze sparks a dry old argument", *Sunday Herald Sun*, 18 February 2007, p. 75; J Freegard, "Nats in froth, bubble claims", *Herald Sun*, 22 January 2007, p. 25; C Tinkler, "Anger at free beers", *Sunday Herald Sun*, 18 February 2007, p. 19.

<sup>454</sup> C Tinkler, "Anger at free beers", *Sunday Herald Sun*, 18 February 2007, p. 19.

<sup>455</sup> ABC News, "Electoral commission dismisses 'Pots with the Pollies' complaint", *ABC News Online*, 21 February 2007. Retrieved 1 August 2007 from <http://www.abc.net.au/news/australia/vic/summer/200702/s1852944.htm>.

<sup>456</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124.

<sup>457</sup> G Orr, "Dealing in votes: Regulating electoral bribery", in G Orr, B Mercurio & G Williams (eds), *Realising democracy: Electoral law in Australia*, The Federation Press, Sydney, 2003, pp. 130-142.

enacted anti-treating provisions in their *Electoral Act 2004* which defined electoral treating as:

Electoral treating

(1) A person must not directly or indirectly –

(a) supply food, drink or entertainment; or

(b) offer, promise or give a gift, donation or prize to or for any person, club, association or body –

with the intention of influencing a person's election conduct at an election.<sup>458</sup>

The EMC recommends the Victorian Government should include an electoral treating provision (which defines electoral treating and cites the penalty for electoral treating) in the *Electoral Act 2002* to provide candidates with clear rules about bribery.

Furthermore, the EMC recognises that the Parliament of Victoria has a duty of care towards its members. The EMC considered that members of parliament should be briefed about what constitutes bribery and the procedures associated with reporting an incident of bribery. The EMC is of the view that the timing of the brief should take place as part of the induction program for new members and then offer members the opportunity to attend “refresher” sessions.

The EMC also found that the handbook provided to candidates by the VEC only refers the candidate to the provisions relating to bribery in the *Electoral Act 2002*. Currently the handbook reads: “the provisions relating to bribery are set out in section 151 of the *Electoral Act 2002*”.<sup>459</sup> The EMC supports the VEC incorporating the relevant extract on bribery from the *Electoral Act 2002* in the candidate's handbook.

**Recommendation 5.7: The Victorian Government considers including an electoral treating provision in the *Electoral Act 2002* to provide candidates with clear rules about bribery.**

**Recommendation 5.8: The Parliament of Victoria informs members at the induction program and “refresher” seminars what constitutes bribery and how to report an incident of bribery.**

**Recommendation 5.9: The Victorian Electoral Commission considers incorporating the relevant extract on bribery from the *Electoral Act 2002* in the Victorian Electoral Commission's candidate's handbook.**

---

<sup>458</sup> *Electoral Act 2004* s 188.

<sup>459</sup> Victorian Electoral Commission, *Candidate handbook: Region Legislative Council*, Victorian Electoral Commission, Melbourne, 2006, p. 39.

## Funding and disclosure

### Overview

In this section, the EMC explores, in part, the current arrangements for funding and disclosure of political parties, groups and individual candidates in Victoria and the issues raised in relation to them as part of this inquiry.

The EMC received several submissions from interested groups and individuals in relation to the issue of funding and disclosure of political parties. The EMC, in particular received a very comprehensive submission on political finance laws from Dr Coghill and Dr Tham.<sup>460</sup> The EMC received another submission from Action on Smoking and Health which called for the EMC to investigate legislative reforms in Canada, the United Kingdom and New Zealand. Action on Smoking and Health recommended that disclosure of donations to political parties should be considered by the Parliament of Victoria.<sup>461</sup>

The EMC had originally intended providing extensive commentary on the issue of funding and disclosure of political parties, with the aim of developing a number of findings and recommendations. However, on 16 April 2008 the EMC received new terms of reference from the Legislative Council, requesting the EMC to inquire into, consider and report to Parliament no later than 30 April 2009 on political donations and disclosure, as follows

- Whether the *Electoral Act 2002* should be amended to create a system of political donations disclosure and/or restrictions on political donations; and
- The outcome resulting from similar legislative reforms introduced in Canada, the United Kingdom and other relevant jurisdictions.<sup>462</sup>

Furthermore, the Rudd Government recently announced an inquiry into electoral reform with a Green Paper being released in two parts. The first part, due for release in July 2008, deals with disclosure, funding and expenditure issues and the second part, due for release in October 2008, will be examining other issues of electoral reform, including the modernisation of the Commonwealth's electoral legislation.<sup>463</sup>

While the first part of the Green Paper will be released in July 2008, the Rudd Government recently announced its intention to amend funding and disclosure provisions. The five key principles, as outlined by Senator John Faulkner, are as follows:

<sup>460</sup> K Coghill, *Submission No. 16*; K Coghill & J-C Tham, *Submission No. 15*.

<sup>461</sup> Action on Smoking and Health, *Submission No. 6*, p. 1.

<sup>462</sup> G Barber MLC, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 16 April 2008, p. 1261.

<sup>463</sup> J Faulkner, *Electoral reform*, Australian Government, 28 March 2008. Retrieved 29 May 2008 from [http://www.smos.gov.au/transcripts/2008/tr\\_20080328\\_electoral\\_reform.html](http://www.smos.gov.au/transcripts/2008/tr_20080328_electoral_reform.html).

- Setting the campaign donation disclosure threshold level at \$1,000;
- Banning donations from overseas or from non-Australian companies to ensure donations can only be received from a jurisdiction where the AEC can ensure that Australia's laws are enforced;
- Tying election funding to reported and verified electoral expenditure, expenditure directly incurred by a candidate or a party in an election. This is designed to spot any candidate or political party making a financial gain from the electoral funding system;
- Removing the provision whereby separate divisions of a political party are treated as separate entities. This will prevent large donations from being hidden by paying portions across state or territory branches of the same party; and
- Increasing public scrutiny of donations by setting six-monthly disclosure time-frames.<sup>464</sup>

The Premier of New South Wales, the Honourable Morris Iemma MP has also promised to reform laws surrounding political donations.<sup>465</sup> Currently the New South Wales Select Committee on Electoral and Political Party Funding is conducting an inquiry into electoral and political party funding in New South Wales. The anticipated tabling date is 26 June 2008.<sup>466</sup> Press coverage of the New South Wales Labor Party's response to the issue suggested that the public funding model for election campaigns would go ahead in New South Wales, irrespective of the Australian Government's position. "We'll go it alone, if we have to", the New South Wales Labor Party secretary was reported to have said.<sup>467</sup>

At the public hearing (held prior to the 2007 federal election and change of government), Dr Ken Coghill indicated that Victoria should also "legislate alone":

I think that this issue is so important that if the federal regime has changed in such a way as to weaken the system, that Victoria should be prepared to legislate alone, even if that had the unfortunate effect of breaking down the harmonisation of federal

---

<sup>464</sup> J Faulkner, *Electoral reform*, Australian Government, 28 March 2008. Retrieved 29 May 2008 from [http://www.smos.gov.au/transcripts/2008/tr\\_20080328\\_electoral\\_reform.html](http://www.smos.gov.au/transcripts/2008/tr_20080328_electoral_reform.html).

<sup>465</sup> L Besser & A Clennell, "Iemma pledges donation reform", *The Age*, 23 February 2008, p. 5; I Salusinsky & L Wilson, "Lib push for reform after sex scandal", *The Australian*, 25 February 2008, p. 6.

<sup>466</sup> Parliament of New South Wales, *Electoral and political party funding inquiry*, 2008. Retrieved 13 March 2008 from <http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/A87852213B83634ECA25730C00174AF9>.

<sup>467</sup> S Benson, "Private cash ban: Political donations in Labor's sights", *The Daily Telegraph*, 14 April 2008, p. 2.

and state electoral law ... the integrity of the electoral process is much more important than the harmonisation of Commonwealth and state legislation.<sup>468</sup>

Given these significant developments, the EMC has resolved to defer reporting in detail on electoral reform and instead prepare a far more comprehensive report on political donations and disclosure by 30 April 2009, as required in the referral from the Legislative Council. However, given the EMC did receive a number of submissions on this issue, the EMC will provide some commentary as a prelude to reporting more fully next year.

## Disclosure of political donations

Dr Ken Coghill and Dr Joo-Cheong Tham's submission states that "at present, Victorian political finance laws do not impose independent obligations upon parties, candidates and other political actors to disclose details of their funding".<sup>469</sup> The EMC notes that federally registered political parties are governed by Commonwealth disclosure requirements.<sup>470</sup>

However, the EMC notes that the Commonwealth provisions do not cover independent candidates and political parties that are only registered in Victoria.<sup>471</sup>

Internationally, Canada is recognised as a leader in funding disclosure schemes.<sup>472</sup> The EMC was also referred to the New York City Campaign Finance Board's program as a model worthy of investigation. The Board maintains a public register on their website of all donations to candidates and political parties.<sup>473</sup>

Witnesses at the public hearing requested the EMC consider that donations to candidates and political parties should be immediately registered and displayed on an independent authority's website.<sup>474</sup> Alison Clarke, Party Co-ordinator of the Australian Greens (Victoria) informed the EMC that all donations over \$1,500 are registered on the party's website.<sup>475</sup> Lyn Allison,

<sup>468</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>469</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 11.

<sup>470</sup> Victorian Electoral Commission, *Submission No. 20*, p. 54.

<sup>471</sup> Victorian Electoral Commission, *Submission No. 20*, p. 54.

<sup>472</sup> M Sawyer, "Canada sets a 'radical' example on campaign funding", *Australian Policy Online*, 20 May 2008. Retrieved 29 May 2008 from [http://www.apo.org.au/webboard/comment\\_results.shtml?filename\\_num=209287](http://www.apo.org.au/webboard/comment_results.shtml?filename_num=209287).

<sup>473</sup> A Jones (Chief Executive Officer), Action on Smoking and Health, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3; B Costar (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>474</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>475</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.



Leader of the Australian Democrats, noted the importance of including donations given to a third party as part of this register.<sup>476</sup>

Professor Brian Costar informed the EMC of the Commonwealth Parliament JSCEM's finding that minor parties and independent candidates sometimes have difficulties recording donations because they lack infrastructure.<sup>477</sup> Luke O'Sullivan, State Director of The Nationals, noted logistical issues if registered political parties were required to disclose donations and contributions at the time of receiving the donation.<sup>478</sup>

Dr Ken Coghill informed the EMC that all registered political parties should be subjected to the same limits and disclosure requirements - that is parliamentary and non-parliamentary parties - minor and major parties should all be treated the same.<sup>479</sup>

As noted earlier, Dr Coghill and Dr Tham argued for a comprehensive funding disclosure scheme at the state level, with a number of strategies to change the current arrangements. The EMC will comprehensively examine this in a future report.

## Limits on contributions, donations and loans

Anne Jones, Chief Executive Officer of Action on Smoking and Health gave evidence that political donations are now estimated at nearly \$200 million a year in Australia.<sup>480</sup> She also explained her understanding of the purpose of political donations:

[L]arge donations are used to gain access and influence with politicians – and this means wealthy donors can influence government decisions, which often benefit the donor at a cost to the wider community.<sup>481</sup>

Professor Brian Costar referred the EMC to the Queensland Crime and Misconduct Commission's report on the 2004 Gold Coast City Council Election.<sup>482</sup> The Commission investigated the impact of political donations given from developers to some candidates to assist with their election campaigns. The Commission found that the conduct of some candidates affected the integrity of the Gold Coast City Council Election and as a

---

<sup>476</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 8.

<sup>477</sup> B Costar (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>478</sup> L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>479</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 5-6.

<sup>480</sup> A Jones (Chief Executive Officer), Action on Smoking and Health, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>481</sup> Action on Smoking and Health, *Submission No. 6*, p. 1.

<sup>482</sup> B Costar (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 3-4.

consequence made recommendations to reform political financing of council elections.<sup>483</sup>

The EMC also gathered evidence from some registered political parties about the impact of political donations and contributions on parliamentary democracy. The Leader of the Australian Democrats, Senator Lyn Allison said:

It is not good for democracy because very large donations to political parties are given for a purpose. It is not just the benevolence of the givers, it is because they expect something in return. ... The more we go down this path, the less democratic our system is.<sup>484</sup>

The EMC notes that the *Electoral Act 2002* provides that certain gaming companies cannot donate more than \$50,000 to a registered political party in any financial year. Since the 2002 Victorian state election, “the Act has been amended to ensure that the \$50,000 cap covers Tabcorp, and that shareholders in companies related to the gaming companies are not covered by the cap”.<sup>485</sup> The VEC reported that no registered political parties received donations in excess of \$50,000 from gaming institutions covered by the *Casino Control Act 1991* or the *Gambling Regulations Act 2003* in 2005-2006.<sup>486</sup>

Dr Coghill and Dr Tham’s submission referred the EMC to the *Federal Accountability Act 2006* (Canada) which set strict limits on donations by individuals and a total ban on donations by corporations and trade unions.<sup>487</sup>

Dr Ken Coghill’s supplementary submission suggested the EMC consider the following limitations on contribution and loans to political parties and candidates as follows:

- Contributions may be made by individual persons who are citizens of Australia:
  - \$1,000 in total in any calendar year to a registered party;
  - \$1,000 in total to a candidate in an election, where that candidate is not a candidate of a registered party.
- Contributions may only be made by Australian citizens and (except for public funding) can only be received by persons who are citizens of Australia.

---

<sup>483</sup> Crime and Misconduct Commission, *Independence, influence and integrity in local government: A CMC inquiry into the 2004 Gold Coast City Council election* Crime and Misconduct Commission (Chair: Robert Needham), Brisbane, 2006, p. xix.

<sup>484</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 8.

<sup>485</sup> Victorian Electoral Commission, *Submission No. 20*, p. 20.

<sup>486</sup> Victorian Electoral Commission, *Submission No. 28*, p. 26.

<sup>487</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 43.

- Any loan made to a candidate or registered party be illegal except where that loan and interest rate schedule is not any more favourable than commercially available alternatives.<sup>488</sup>

## Disclosure of expenditure schemes

In Victoria, the *Electoral Act 2002* requires registered political parties and independent candidates to provide the VEC with a statement with an auditor's certificate which states that the party has spent a larger amount of election expenditure than the amount the party is entitled to through public funding; there is no obligation for the party to specify the amount of election expenditure spent unless it is less than their entitlement.<sup>489</sup>

**Table 5.3: Expenditure disclosure schemes of various countries**

|   | <b>USA</b>     | <b>Canada</b>         | <b>NZ</b>             | <b>UK</b>             | <b>Australia</b>                |
|---|----------------|-----------------------|-----------------------|-----------------------|---------------------------------|
| Expenditure disclosure scheme for parties | Annual returns | Post-election returns | Post-election returns | Post-election returns | None except for NSW, QLD and WA |

Source: K Coghill & J-C Tham, *Submission No. 15*, p. 29.

The EMC noted expenditure disclosure of various countries and states and territories. Table 5.3 highlights the differences in the obligations of registered political parties to report their election expenditure to their respective electoral commissions.

In Victoria, the VEC is not required to make these statements publicly available.<sup>490</sup>

## Campaign expenditure limits

Dr Coghill and Dr Tham in their submission argued that campaign expenditure limits should be enacted so that:

- Campaign expenditure does not increase beyond a certain amount;
- The risk of corruption and undue influence may diminish;
- There is a more equal and level-playing field; and

<sup>488</sup> K Coghill, *Submission No. 16*, p. 4.

<sup>489</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 27.

<sup>490</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 27.

- Restrictions will dampen inflation in campaigning and will maintain long-term stability of registered political parties.<sup>491</sup>

Dr Coghill and Dr Tham also noted arguments against limiting campaign expenditure, including:

- “Unenforceability” or “unworkability”;
- The challenge posed by third parties evading obligations;
- Political finance regulation will always face an “enforcement gap”; and
- Expenditure limits impede freedom of speech.<sup>492</sup>

In considering this issue, Dr Coghill and Dr Tham requested the EMC consider the following:

- Campaign expenditure limits be supported in principle;
- Political parties and associated entities be required to lodge post-election returns disclosing details of political expenditure to be itemised according to broad categories; and
- The design of such limits be further investigated, particularly with reference to recent reforms in the UK, Canada and New Zealand.<sup>493</sup>

## Public funding

The EMC heard evidence about public funding of election campaigns from the following individuals and organisations:

- Dr Ken Coghill and Dr Joo Cheong-Tham;
- Australian Greens (Victoria);
- Professor Brian Costar; and
- VEC.

The *Electoral Act 2002* provides for the public funding of election expenditure by registered political parties and candidates at Victorian state elections.<sup>494</sup> Table 5.4 outlines public funding entitlements.

<sup>491</sup> K Coghill & J-C Tham, *Submission No. 15*, pp. 45-52.

<sup>492</sup> K Coghill & J-C Tham, *Submission No. 15*, pp. 45-52.

<sup>493</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 52.

<sup>494</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

**Table 5.4: Public funding for Victorian elections**

|                                   | <b>Legislative Assembly</b>   | <b>Legislative Council</b>  |
|-----------------------------------|---|---|
| Who can receive public funding?   | Registered political parties and independent candidates.  | Any candidate in a group or as an independent.  |
| How is entitlement determined?    | The registered political party or independent candidate receives at least 4% of the total number of first preference votes for respective district. | Candidate or independent receives at least 4% of the total number of first preference votes in respective region.   |
| How much?                         | \$1.31607 per vote.   | \$1.31607 per vote.   |
| How is public funding calculated? |   | The number of first-preference votes obtained by the first-named candidate in a group is determined by adding the above-the-line votes for that group to the number of first-preferences recorded below the line for the first named candidate. |

Source: Victorian Electoral Commission, *Submission No. 20*, pp. 51-54.

The EMC noted the advantage and disadvantages of public funding of election campaigns. An advantage is that public funding can “reduce the influence of private money in the election process and assist candidates and parties that do not have access to traditional channels of raising money”.<sup>495</sup> Current public funding in Australia accounts for approximately 20% of election expenditure for federal elections. In comparison with Canada, where political donations have been restricted, public funding has increased and covers approximately 50% of election expenditure.<sup>496</sup>

Some disadvantages of public funding include:

- Potentially inflating campaign expenditure;
- Exacerbating political inequality;
- Not properly linking funding to the legitimate functions of registered political parties; and

<sup>495</sup> KR Mayer, *Sunlight as the best disinfectant: Campaign finance in Australia* (Discussion paper no. 31/06), Democratic Audit of Australia, Australian National University, Canberra, 2006, pp. 4-5.

<sup>496</sup> B Costar (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

- Suffering from individual profiteering.<sup>497</sup>

Alison Clarke, Party Co-ordinator of the Australian Greens (Victoria), noted that the Australian Greens (Victoria) “are keen to see elections being publicly funded rather than funded by potentially vested interests”.<sup>498</sup>

Registered political parties and independent candidates who are entitled to public funding are paid once the VEC has received an audited Statement of Expenditure and an audit certificate. For the 2006 Victorian state election, applications for public funding of election expenses closed on 13 April 2007. Payment was made within three working days of receipt of the application.<sup>499</sup> For a detailed summary of payments see Victorian Electoral Commission, *Submission No. 20*, p. 52.

At the Albert Park District and Williamstown District by-elections seven party candidates and three independent candidates were eligible for public funding of election expenses. At November 2007, \$75,578.76 had been paid to four registered political parties and three independent candidates.<sup>500</sup> For a detailed summary of payments see Victorian Electoral Commission, *Submission No. 28*, p. 20.

In relation to public funding of elections, Professor Brian Costar advised that public funding should be dependent upon registered political parties lodging a constitution with the VEC which is “broadly democratic” and open about candidate preselection.<sup>501</sup>

Dr Coghill and Dr Tham put forward two other recommendations for the EMC’s consideration:

- In place of the 4% threshold for electoral funding, there should be a lower threshold and/or a threshold based on the nationwide/statewide electoral support secured by a party; and
- A review of election funding be conducted with the aim of ensuring that such funding assists parties in performing their legitimate functions.<sup>502</sup>

---

<sup>497</sup> K Coghill & J-C Tham, *Submission No. 15*, pp. 30-33; Parliament of Australia, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Tony Smith MP, Chair), Canberra, 2005, pp. 325-328.

<sup>498</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>499</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

<sup>500</sup> Victorian Electoral Commission, *Submission No. 28*, p. 20.

<sup>501</sup> B Costar (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>502</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 33.

## Ban on contributions from entities having contracts or tendering for contracts with the Victorian Government

Internationally, Canada and the USA have made the following reforms in regard to companies with government contracts:

- Canadian law imposes a ban on contributions from Crown corporations and corporations that receive more than 50% of their income from the government.
- The USA applies a broader ban on contributions made by persons or companies with contracts with the government made completely illegal.<sup>503</sup>

The submission from Dr Coghill and Dr Tham informed the EMC that an example of the relationship between political donations, government contracts and undue influence in Australia was illustrated in the Queensland “Fitzgerald” Royal Commission. The Commission found that the Bjelke-Petersen National Party Government awarded contracts to donors (i.e. companies) who contributed to the National Party’s Bjelke-Petersen Foundation.<sup>504</sup>

Dr Coghill and Dr Tham requested the EMC consider introducing a ban on contributions to political parties from persons or companies with government contracts, based either on Canadian or United States law.<sup>505</sup>

Another issue was brought to the attention of the EMC which relates broadly to contracts and tendering, that is, land use planning. At the public hearings, Dr Ken Coghill noted that:

There can be enormous profits made, or profits denied, according to the exercise of discretion by government ministers on planning decisions. Our concern could well be extended to suggest that no company or related entity which makes a donation should be entitled to receive the benefit of a discretionary decision affecting land use.<sup>506</sup>

The EMC notes the reforms in contracts and tenders management in Canada and the USA.

## Government advertising

Dr Ken Coghill and Dr Joo-Cheong Tham’s submission raised the issue of government advertising for state and federal elections. The submission cited a number of criticisms of government advertising before federal elections

---

<sup>503</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 43.

<sup>504</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 33.

<sup>505</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 43.

<sup>506</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

which advertised government initiatives prior to being introduced into the Parliament.<sup>507</sup>

In their submission, Dr Ken Coghill and Dr Joo-Cheong Tham recommended that the EMC consider applying the *Better practice: Criteria for government-funded publicity activities* principles to all government advertising rather than the *Guidelines for Victorian Government advertising and communications*.<sup>508</sup> Dr Ken Coghill explained his rationale behind this recommendation at the public hearings. He said:

Our view is that the Auditor-General's guidelines [*Better practice: Criteria for government-funded publicity activities*] should prevail because they have been developed primarily with the public interest in mind, whereas the government ones may well have been prepared with the public interest in mind, but the reality is that they are prepared with the interests of the government as a political entity, as well as responsible for public services.<sup>509</sup>

## Lobbying

Dr Coghill and Dr Tham's submission explained the history of the regulation of lobbying in Australia (Commonwealth) and New South Wales, as well as internationally. The submission also provided evidence of lobbying which compromised the integrity of the Western Australian Government.<sup>510</sup> In Victoria, the Merkel Report highlighted the lobbying issues associated with the recent public lottery licensing process.<sup>511</sup>

The EMC noted that the advantages and disadvantages of formally regulating the activity of lobbying through a compulsory registration scheme, as summarised in Dr Ken Coghill and Dr Joo-Cheong Tham's submission.<sup>512</sup>

Dr Coghill and Dr Tham proposed a model for reform which focuses on the registration of lobbying activities rather than the registration of lobbyists. At the public hearings, Dr Ken Coghill said that he and his colleague had:

[D]eliberately gone away from the idea of registering lobbyists because we think that is bound up with almost insurmountable definitional problems at the edge. People who run lobbying businesses are fairly easy to define, but then there are those at the edge who might be involved in public relations and sometimes do a bit of lobbying where the definitional issues become really important, and what we really have concern about is the lobbying activity rather than who is working as a lobbyist.<sup>513</sup>

---

<sup>507</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 53.

<sup>508</sup> K Coghill & J-C Tham, *Submission No. 15*, p. 58.

<sup>509</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>510</sup> K Coghill & J-C Tham, *Submission No. 15*, pp. 59, 61-71.

<sup>511</sup> Victorian Government, *Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to the current public lottery licensing process (Merkel Report)*, Department of Justice, Office of Gaming and Racing (Ron Merkel QC, Chair), Melbourne, 2007, pp. 61-73.

<sup>512</sup> K Coghill & J-C Tham, *Submission No. 15*, pp. 59-61.

<sup>513</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.



At the public hearings, a discussion developed about who should be responsible for registering lobbying activities. Dr Ken Coghill indicated that all registered political parties and independent candidates should register lobbying activities rather than only the Government. EMC member, the Honourable Christine Campbell MP, noted that this was particularly important near an election, especially as “around election times governments can change and the more likely an opposition is to become the next government [the more] the lobbying increase, as does the political donation.”<sup>514</sup>

Dr Coghill and Dr Tham recommended that lobbying activities be registered on a portfolio website.<sup>515</sup>

The EMC notes that the Parliament of Victoria’s Public Accounts and Estimates Committee (PAEC) investigated lobbying in their *Report on strengthening government and parliamentary accountability in Victoria*. It reported that the revised Commonwealth code of conduct for Ministers which provides guidance on contact with lobbyists and a requirement that lobbyists register their activities with the Department of Prime Minister and Cabinet provides a template for developing a similar code in Victoria.<sup>516</sup>

## Establishment of a Parliamentary Standards Commissioner

The issue of the appointment of a Parliamentary Standards Commissioner for Victoria was raised by Dr Ken Coghill and Anne Jones, Chief Executive Officer of Action on Smoking and Health.<sup>517</sup> Dr Ken Coghill also cited international examples and noted that in Canada and the United Kingdom such an officer holds the title of Ethics Commissioner and Parliamentary Standards Commissioner respectively.<sup>518</sup>

The EMC notes that the Parliament of Victoria’s PAEC investigated this matter in their *Report on strengthening government and parliamentary accountability in Victoria*. It found that:

---

<sup>514</sup> The Honourable Christine Campbell MP cited in K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>515</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>516</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, pp. 72-73.

<sup>517</sup> A Jones (Chief Executive Officer), Action on Smoking and Health, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3; K Coghill, D Crawford, I Cunliffe, B Grant, G Hodge, O Hughes, A Hunt, A Mancini, R Matthews, K Rozzoli & S Zifcak, "Why accountability must be renewed", paper presented at the Australasian Study of Parliament Group Victorian Chapter Meeting, Melbourne, Australia, 8 August 2006, p. 9 cited in K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>518</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

[I]t is not appropriate for the parliamentary behaviour of members of Parliament to be regulated by an authority that does not participate in Parliament.<sup>519</sup>

PAEC also acknowledged that parliamentary behaviour of members can be regulated by the Privileges Committees of the Assembly and Council as well as through elections – as elected representatives of their constituents – electors may choose to vote the government or member out of office.<sup>520</sup>

Dr Ken Coghill also advised the EMC that the role of the Independent Standards Commissioner should include the training of members of Parliament in parliamentary behaviour, ethics and conflicts of interest.<sup>521</sup> Dr Ken Coghill cited the Parliament of Queensland as the best example in Australia of a parliament which teaches new members of parliament how to deal with ethical issues.<sup>522</sup>

Internationally, the EMC noted that an Ethics Reform Bill was passed by the New York State Assembly which requires the delivery of an ethics training program for both members and staff of the Assembly.<sup>523</sup> Dr Ken Coghill regards this “as a very important initiative and really part of the continuing professionalism of political careers”.<sup>524</sup>

The EMC is aware that the PAEC has considered an ethics training program for MPs. The PAEC noted that an ethics training program would “assist the Parliament fulfil its accountability function, by ensuring that members are conversant with all of the duties and responsibilities that accompany parliamentary office”.<sup>525</sup> However, it also noted the multiple demands on members’ time including attendance in the house, the needs of constituents and party meetings may hamper members’ ability to attend formal training sessions.<sup>526</sup>

The EMC notes that the PAEC report acknowledges the Parliament of Victoria currently provides an induction program for new members after a state election which includes a presentation on code of conduct. The Clerk

<sup>519</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, p. 40.

<sup>520</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, p. 40.

<sup>521</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>522</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 6.

<sup>523</sup> New York State Assembly, *Assembly unveils comprehensive ethics reform package*, 2006. Retrieved 17 March 2008 from <http://assembly.state.ny.us/mem/?ad=101&sh=story&story=19165>.

<sup>524</sup> K Coghill (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>525</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, p. 41.

<sup>526</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, p. 41.

of the Parliaments is also available to provide ethics advice to members as required.<sup>527</sup>

---

<sup>527</sup> Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008, p. 41.

---

## Chapter Six: Electoral material

The EMC has identified key issues associated with electoral material and reports on its findings in this chapter. Topics for discussion include:

- How to vote cards;
- Group voting tickets;
- Ballot papers;
- Authorisation of electoral campaign matter; and
- Misleading and deceptive behaviour;

### How to vote cards

#### Registration of how to vote cards

##### 2006 Victorian state election

For the 2006 Victorian state election the HTV card registration period was between 13-17 November 2006.<sup>528</sup> This was the first time at an election that all candidates and registered political parties had the same time available to submit HTV cards; previously registered political parties were granted a longer period (an additional four days).<sup>529</sup> A total of 679 HTV cards were registered by the VEC for the 2006 Victorian state election.<sup>530</sup>

The VEC submission outlined the legislative changes which impacted on the registration of HTV cards for the 2006 Victorian state election.<sup>531</sup>

The significance of HTV cards in political campaigning at early, mobile and election day voting centres was noted by the EMC. The VEC submission stated that:

Registered how-to-vote cards are the only form of printed electoral material that can be lawfully handed out, distributed or otherwise made available within 400 metres of a voting centre on election day. ... HTV cards carried by mobile early voting teams must also be registered.<sup>532</sup>

The VEC submission informed the EMC that registered political parties reported markedly different experiences of registering HTV cards:

---

<sup>528</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

<sup>529</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19; Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian state election*, State of Victoria, Melbourne, 2003, p. 16.

<sup>530</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

<sup>531</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>532</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

Parties generally found the process of registering HTV cards to be complicated, labour-intensive and pressured. This was especially the case for smaller parties, or for representatives who were unfamiliar with the process. One party felt that the process of registering HTV cards was unnecessary and would prefer that the VEC did not require cards to be registered before the election. Another party was highly positive about the process of registering cards and strongly preferred the practice to continue.<sup>533</sup>

The VEC's view is that registration of HTV cards is very labour intensive mainly because:

A number of parties and candidates register more than one card covering different preference combinations.<sup>534</sup>

The VEC requested the EMC consider whether the registration of HTV cards should continue for Victorian state elections.<sup>535</sup>

The EMC recognises that it is not common practice in Australia for registered political parties and candidates to be required to register HTV cards with the electoral commission. While the *Electoral Act 2002* provides for the registration of HTV cards in Victoria, similar provisions are not found in Commonwealth, Western Australian, Tasmanian, the Australian Capital Territory or the Northern Territory's electoral legislation.<sup>536</sup>

Nevertheless, the EMC is aware of the Nunawading Province by-election incident which led to the introduction of the registration of HTV cards in Victoria. Referring to parliamentary debate the EMC noted the historical context and necessity of maintaining the current arrangements:

I also indicate that the registration of how-to-vote cards is an important part of the integrity of the process. I am very mindful, as are a number of members in this place ... of the days of the Nunawading Province by-election ... [when] false and misleading how-to-vote cards [were distributed] in an effort to sway the voters of Nunawading Province. I think we are very concerned about the integrity of this process; indeed, the ... incident effectively led to the registration of how-to-vote cards. ... Many of us have seen guerrilla marketing by certain candidates at different elections, where they have produced how-to-vote cards that are not properly registered or that vary from the cards that have been properly registered with the electoral commission. We need to make sure that voters are not misled at elections; that they have an opportunity of making a fair and reasonable decision.<sup>537</sup>

The EMC acknowledges that to maintain electoral fairness and integrity, HTV cards must continue to be registered with the VEC.

The EMC also considered the process of registering HTV cards. The *Electoral Act 2002* provides for registered political parties to submit a HTV card with the VEC directly and independent candidates with the VEC or the

---

<sup>533</sup> Victorian Electoral Commission, *Submission No. 20*, p. 55.

<sup>534</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>535</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>536</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>537</sup> BN Atkinson MP, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 19 July 2005, p. 1721.

Election Manager. The VEC and/or Election Manager, as applicable, then determines whether the HTV card will be registered.<sup>538</sup>

Based on his experiences with local council elections, William Jacomb expressed concern about the discretionary powers of Returning Officers at Victorian local council elections. By association he has reservations about the level of authority that is afforded to Election Managers and Returning Officers in Victorian state elections.<sup>539</sup>

The EMC notes that the Act provides two pathways for the registration of HTV cards and there may be a risk of having numerous adjudicators on registration decisions. Consequently, the EMC recommends the VEC considers the ramifications of this legislative requirement, in particular the discretionary powers given to the Election Manager.

**Recommendation 6.1: The Victorian Electoral Commission considers the ramifications of the legislative requirement associated with the registration of how-to-vote cards, in particular the discretionary powers given to the Election Manager.**

### Albert Park District and Williamstown District by-elections

A total of 29 HTV cards were registered for the Albert Park District and Williamstown District by-elections.<sup>540</sup>

### Access to how to vote cards at mobile voting centres

In its submission, the Liberal Party of Australia (Victorian Division) stated that voters who cast their vote at a mobile voting centre may allegedly have their right to a secret ballot compromised:

[A]t present electors [at a mobile voting centre] are shown a folder with all the How to Vote cards provided by the political parties to the local election office. That is, electors do not receive their own How to Vote cards. The Party has received complaints that the manner in which the folder of How to Vote cards is presented to the voter compromises the electors' right to a secret vote, as the How to Vote card in the folder that a voter may be following for completing their ballot paper may be clearly seen by election officials and hospital staff.<sup>541</sup>

The Liberal Party (Victorian Division) offered the following suggestion to facilitate the casting of a secret vote:

[S]ection 65 of the *Electoral Act 2002* be amended so that each elector at a mobile voting centre may request their own copies of the How to Vote cards.<sup>542</sup>

<sup>538</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>539</sup> W Jacomb, *Personal communication*, 28 May 2008.

<sup>540</sup> Victorian Electoral Commission, *Submission No. 28*, p. 16.

<sup>541</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 3.

<sup>542</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 3.

The VEC advised the EMC that this suggestion could be managed with an amendment to the *Electoral Act 2002*.<sup>543</sup>

The maintenance of the secrecy of the ballot for electors is vital to democratic processes. The EMC recommends amending section 65(4) of the *Electoral Act 2002* to enable electors at mobile voting centres to request their own copies of HTV cards.

**Recommendation 6.2: The Victorian Government considers amending the *Electoral Act 2002* to enable electors at mobile voting centres to request their own copies of how to vote cards.**

## How to vote cards in Easy-English

The issue of voters' difficulties with completing ballot papers was raised during the inquiry.<sup>544</sup> This was surprising to EMC members as the Chair of the EMC, Adem Somyurek MLC, indicated that HTV cards distributed by registered political parties were designed simply, using pictures and dot points.<sup>545</sup>

Cathy Basterfield, a Speech Pathologist Consultant with Scope Victoria Limited informed the EMC that HTV cards would be of greater assistance to electors if the HTV cards were written in Easy-English and the design was consistent with ballot papers. She noted:

Any consistency around those sorts of issues I think would make it easier for more people to be more meaningfully involved in the process.<sup>546</sup>

In response to a question from EMC member, the Honourable Christine Campbell MP, about registered HTV cards having identical instructions as the ballot papers, Liz Williams, the Deputy Electoral Commissioner of Victoria said:

That would be a matter for the law-makers ... When we register cards, the matters that we must consider in registering the cards are prescribed. ... If the requirement was for the instructions on the how-to-vote card to be the same as the instructions on the ballot paper, that would need to be prescribed.<sup>547</sup>

The EMC noted that the provision of Easy-English HTV cards is not the responsibility of the VEC. The EMC finds that this initiative rests with the registered political party to understand the literacy needs of their electorate and to produce appropriate HTV cards for its constituents.

---

<sup>543</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 8.

<sup>544</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>545</sup> Adem Somyurek MLC cited in C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>546</sup> C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>547</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 11.

## How to vote cards in languages other than English

Where HTV cards are submitted to the VEC in a language other than English, the person or registered political party must include a written translation and a signed declaration that the “translation is fair”.<sup>548</sup> At the 2006 Victorian state election, 679 HTV cards were registered with the VEC,<sup>549</sup> out of these only the Australian Labor Party (Victorian Branch) and the Liberal Party of Australia (Victorian Division) submitted HTV cards with translations.<sup>550</sup>

At the public hearings, the Senator Lyn Allison, Leader of the Australian Democrats, noted that:

[L]ittle information is provided by most political parties at election time in languages other than English.<sup>551</sup>

Although registered political parties can submit a HTV card in a language other than English to the VEC, Peter van Vliet, Executive Officer of the ECCV, noted that political parties often compensate with a lack of HTV cards in languages other than English by utilising bilingual volunteers to distribute HTV cards (that are written in English) to voters on election day.<sup>552</sup>

The EMC discussed the advantages of distributing HTV cards in languages other than English. The potential benefits included decreasing the rate of informality and enabling electors to make a meaningful choice. Other issues associated with HTV cards in languages other than English included who should take responsibility for translations and who decides what a “fair” translation is. The Australian Democrats’ Leader believed it should be the responsibility of the VEC:

If the commission was of a mind to make multiple language How to Vote cards available then it would be ideal for them to do it rather than for each individual party. That could be accommodated. There would be some electorates where Vietnamese would be preferred, and perhaps Greek in other electorates. But I think it is best left to the commission rather than to political parties.<sup>553</sup>

However, the EMC noted that the VEC has difficulty with the translating of documents, especially the testing of translations with community groups. Steve Tully, Electoral Commissioner of Victoria, said:

---

<sup>548</sup> Victorian Electoral Commission, *Candidate handbook: Region Legislative Council*, Victorian Electoral Commission, Melbourne, 2006, p. 19.

<sup>549</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

<sup>550</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>551</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>552</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>553</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.



[T]ranslations are always problematic. There will be some groups within a particular community [who] will say, "That's not the right translation," and others will swear that it is.<sup>554</sup>

The EMC supports registered political parties developing HTV cards in languages other than English and anticipates that this initiative would increase electors' understanding of voting, which may decrease informality rates.

## Environmental concerns

A total of 679 HTV cards were registered with the VEC for the 2006 Victorian state election.<sup>555</sup> The Electoral Commissioner of Victoria outlined the VEC's sustainable printing practices:

At the moment we try and purchase all recycled materials or ones that are certified by sustainable forestry bodies, but our impact in ballot paper and other paper and cardboard is not insignificant.<sup>556</sup>

The VEC also encourages the recycling of HTV cards.<sup>557</sup> For example, at the 2006 Victorian state election the VEC encouraged registered political parties to ask electors to return the HTV cards to the volunteers handing them out for re-use. For the Albert Park District and Williamstown District by-elections, the VEC provided "recycling receptacles". The VEC also proposed that registered candidates and political parties limit the number of how-to-vote cards printed and distributed, which is in line with the State's Sustainability Action Plan (Section 16: Leading by Example – Resource Efficiency in Operations) and community expectations.<sup>558</sup>

Although the VEC received some complaints about the environmental impact of HTV cards,<sup>559</sup> the EMC heard about the waste of paper associated with the distribution of HTV cards and the greenhouse emissions used to provide HTV cards at the 2006 Victorian state election from:

- Stuart Kingsford;
- Senator Lyn Allison;
- Proportional Representation Society of Australia (Victoria-Tasmania) (PRSAV-T); and
- VEC.

---

<sup>554</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 12.

<sup>555</sup> Victorian Electoral Commission, *Submission No. 20*, p. 51.

<sup>556</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 3-4.

<sup>557</sup> Victorian Electoral Commission, *Submission No. 20*, p. 46; Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 1.

<sup>558</sup> Victorian Electoral Commission, *Submission No. 28*, p. 25.

<sup>559</sup> Victorian Electoral Commission, *Submission No. 20*, p. 46.

The PRSAV-T argued for the banning of HTV cards “at the handout”.<sup>560</sup> The Society drew on evidence provided by the VEC, the How to Vote card conformity study, which appeared in the *VEC Report to Parliament on the 2006 Victorian state election*. The study investigated the rate of conformity between formal ballot papers and HTV cards in eight Legislative Assembly districts at the 2006 Victorian state election. The chosen electorates represented a cross-section of the Victorian community including rural and metropolitan populations. Out of the districts surveyed the VEC reported:

[L]ess than half of the voters in these eight districts followed their party's HTV card. Although voters knew which party they wanted to support, they made up their own minds about the allocation of preferences.<sup>561</sup>

Currently in Australia, the Australian Capital Territory has banned HTV cards for political canvassing, including the distribution of HTV cards within 100 metres of a voting centre.<sup>562</sup> One of the main reasons was in response to environmental concerns.<sup>563</sup>

Stuart Kingsford suggested that to reduce the impact on the environment, HTV cards could be replaced with a:

[L]aminated large print poster ... placed in each separate polling booth cubicle which gives each voter the ability to read HTV material provided by political parties.<sup>564</sup>

This is similar to South Australia where HTV cards are displayed on the wall of each voting centre. Nevertheless, HTV cards may also be distributed outside voting centres but not within 100 metres of a voting centre.<sup>565</sup>

Senator Allison held similar views about the display of HTV cards in voting cubicles for candidates representing registered political parties. She indicated the following benefits from introducing such a system including:

[I]mprove democracy, removing the advantage, inherent in the current system, which comes from candidates having good supplies of polling booth workers.<sup>566</sup>

The VEC also advised the EMC that “in the longer term, electronic voting could also reduce the electoral authority's significant impact on the environment”.<sup>567</sup>

<sup>560</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>561</sup> Victorian Electoral Commission, *Submission No. 20*, p. 98.

<sup>562</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3; ACT Electoral Commission, *Election guide: Shaping Canberra's future*, ACT Government, Canberra, no date, p. 4.

<sup>563</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 1.

<sup>564</sup> S Kingsford, *Submission No. 1*, p. 1.

<sup>565</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 1; Parliament of Australia, *The 2001 federal election: Report of the inquiry into the conduct of the 2001 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Petro Georgiou MP, Chair), Canberra, 2003, p. 134.

<sup>566</sup> Australian Democrats, *Submission No. 17*, p. 1.

<sup>567</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

The EMC's view is that it is the democratic right of political parties and candidates to campaign for elections and the right of electors to receive information in the form of HTV cards to help them decide their vote.

The EMC would like to see the implementation of a recycling strategy for the 2010 Victorian state election, which should include:

- Reviewing the current system of paper recycling for all voting centres;
- Assessing where cardboard collection boxes or wheelie bins are required during the election period; and
- Providing an improved paper recycling service, including cardboard collection boxes and wheelies bins, across voting centres in Victoria.

**Recommendation 6.3: The Victorian Electoral Commission considers implementing a recycling strategy for the 2010 Victorian state election, which may include:**

- **Reviewing the current system of paper recycling for all voting centres and districts;**
- **Assessing where cardboard collection boxes or wheelie bins are required during the election period; and**
- **Providing an improved paper recycling service, including cardboard collection boxes and wheelies bins, across voting centres in Victoria.**

## Group voting tickets

### Registration of group voting tickets

The *Electoral Act 2002* sections 69A and 69B provides for Legislative Council candidates to form groups and as a group, lodge GVTs with the VEC. A GVT shows the order in which political parties and groups want their preferences distributed in the Legislative Council.<sup>568</sup>

The *Electoral Act 2002* states that groups must be registered with the VEC by midday on the day before the close of nominations and GVTs by midday on the second day after the close of nominations. For the 2006 Victorian state election groups, this was Thursday, 9 November 2006 and Sunday 12 November 2006 respectively.<sup>569</sup>

Seventy-five GVTs were registered with the VEC and subsequently published on the VEC website.<sup>570</sup> Sixty-three GVTs were lodged by

---

<sup>568</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

<sup>569</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.

<sup>570</sup> Victorian Electoral Commission, *Submission No. 20*, p. 4.

registered political parties and six GVTs were lodged by independent candidates. Six of the groups lodged two GVTs.<sup>571</sup>

Out of the eight Legislative Council regions, the Eastern Metropolitan and Western Metropolitan regions had the least number of groups (7) while Northern Victoria had the most number of groups (11).<sup>572</sup>

The significance of registered political parties and candidates lodging a group voting ticket is that the group or party receives a square above the line on the ballot paper, which enables a voter to allocate a “1” for their preferred party or group.<sup>573</sup> Senator Lyn Allison stated that above-the-line voting is for those electors interested in voting for a group or political party rather than a particular candidate.<sup>574</sup>

The VEC’s submission noted that electors with special circumstances who voted for the 2006 Victorian state election on Friday 10 November 2006 were only able to vote below-the-line. This was because the VEC had only four hours between the close of nominations and the commencement of early voting. Although the VEC printed a small number of ballot papers for the purpose of early voting, those ballot papers did not have above-the-line voting, which removed the voters’ choice to vote above or below-the-line.<sup>575</sup> This is further discussed elsewhere in this report.

The VEC’s submission also raised concerns regarding the registration of GVTs and the printing of ballot papers. In order for the VEC to have enough time to print the required number of ballot papers for the 2006 Victorian state election, ballot papers were prepared at the conclusion of the ballot draw on Friday 10 November 2006 and then printed. Consequently, printing begins prior to the GVTs’ closing date and the VEC must assume that all registered groups will lodge one GVT. The VEC advised the EMC that this assumption would be problematic “in the event that a group chooses not to lodge a group voting ticket” because the VEC would be required to reprint these ballot papers after the close of GVTs.<sup>576</sup>

The VEC therefore requested that the EMC consider:

[A]mending section 69B [of the *Electoral Act 2002*] so that groups that register under section 69A **must** lodge a group voting ticket. Consideration should also be given to the consequences of dealing with ballot papers marked above-the-line for any groups that fail to lodge a group voting ticket.<sup>577</sup>

The EMC understands the hypothetical predicament which could arise as described by the VEC. To ensure the VEC maintains its ability to produce

<sup>571</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.

<sup>572</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.

<sup>573</sup> Victorian Electoral Commission, *Submission No. 20*, p. 50.

<sup>574</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>575</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

<sup>576</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

<sup>577</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

accurate ballot papers within the required time frame, the EMC recommends that the *Electoral Act 2002* section 69B be amended to stipulate that all groups must register a GVT within the stipulated time.

**Recommendation 6.4: The Victorian Government considers amending the *Electoral Act 2002* so that groups that register under section 69A of the *Electoral Act 2002* must lodge a group voting ticket.**

## Locating group voting tickets on the VEC website

A total of 75 GVTs were registered with the VEC and published on the VEC's website from 13 November 2006.<sup>578</sup> The Australian Greens (Victoria) and the PRSAV-T informed the EMC that prior to the 2006 Victorian state election, many people reported difficulties locating GVTs on the VEC website. When GVTs were found on the website, users reported the large files were slow to download and the text was difficult to read because of the fine print.<sup>579</sup> Alison Clarke gave a personal example of the difficulties experienced by electors:

I work in the Victorian Greens office and we had a large number of people ringing us before the election saying, "We can't find the group voting ticket on the VEC website," and it was somewhat buried and it was a long PDF and you had to scroll down to find the party you were wondering about.<sup>580</sup>

Geoffrey Goode, President of the PRSAV-T, also noted:

Group voting tickets ... are quite elaborate and complex. They are not advertised in the newspapers probably because there would be too many big pages full of fine print. ... They are put on the VEC website on large, slow-to-download PDF files that you scroll through from left to right. It is very easy to lose your track in this fine print of the morass of preferences. People complain about that.<sup>581</sup>

Although the Australian Greens (Victoria) indicated that the location of GVTs on the website was remedied post-election when GVTs were moved to a "more prominent position", this was too late to assist voters and being able to view the GVTs was of academic interest only.<sup>582</sup>

The EMC recognises that electors should have easy access to GVTs on the VEC website prior to and on election day. The EMC supports the VEC ensuring their website is accessible and recommends the VEC review the location of GVTs on its website.

---

<sup>578</sup> Victorian Electoral Commission, *Submission No. 20*, p. 4; Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

<sup>579</sup> Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 2.

<sup>580</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>581</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>582</sup> Australian Greens (Victoria), *Submission No. 8*, p. 4.

**Recommendation 6.5: The Victorian Electoral Commission considers ensuring that group voting tickets published on its website are both in a prominent location and easily accessible.**

## Display of group voting tickets on election day

The EMC received considerable evidence about GVTs for the Legislative Council not being consistently displayed at voting centres. Such evidence came from political parties and organisations including:

- Australian Democrats;
- Australian Greens (Victoria);
- PRSAV-T; and
- VEC.

The VEC received four complaints about this issue and acknowledged that GVTs were not prominently displayed in all voting centres.<sup>583</sup>

Failure to prominently display GVTs contravened section 73A(1) of the *Electoral Act 2002* which states that GVTs are to be “prominently displayed at the election day voting centre”. The Leader of the Australian Democrats, Senator Lyn Allison said that on election day at the voting centre she attended:

[I] asked the official directing me to a table where the group voting tickets were, to be told that she didn't know anything about this and would have to consult a more senior officer. I subsequently spoke with the officer in charge who told me there were too many documents to display and produced stapled reports for all metropolitan upper house regions. He indicated that I was the first to request this information.<sup>584</sup>

The Australian Greens (Victoria) and the PRSAV-T also noted respectively that:

[S]ome people who attempted to view copies at polling places were not able to find them.<sup>585</sup>

[A] number of our members noticed that at those polling booths they attended, there was no display of any kind of these Group Voting Tickets. When asked about this, booth presiding officers retrieved Group Voting Ticket booklets that were stored in a box or in some other location where they were not evident to voters.<sup>586</sup>

Senator Allison argued that by GVTs not being displayed in voting centres, electors were disenfranchised. At the public hearing she said:

<sup>583</sup> Victorian Electoral Commission, *Submission No. 20*, p. 45.

<sup>584</sup> Australian Democrats, *Submission No. 17*, p. 2.

<sup>585</sup> Australian Greens (Victoria), *Submission No. 8*, p. 3.

<sup>586</sup> Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 2.

[V]ery few people know that they are entitled to see what the group voting ticket preference flow is for the party of their choice, if they choose to vote above the line, they do not know to ask; secondly, I would argue that they are being disenfranchised by not being both told that this is their right under the act and that they are not being given the information readily and in a way in which they can understand.<sup>587</sup>

**Senator Allison acknowledged that election officials not displaying GVTs is not confined to Victoria.<sup>588</sup> Geoffrey Goode, President of the PRSAV-T, summed up his disappointment with this fact:**

When you actually try to exercise the right that the law is supposed to provide, to have them drawn to your attention in a polling booth, you are disappointed; they are not there. I have experienced this personally at my own polling booth and so have a lot of our members. It is not confined to the Victorian Electoral Commission; the Australian Electoral Commission had done the same thing at the previous federal election. Our society has a written apology from Senator Abetz, who was the minister at the time and who had investigated it and found that the law had not been complied with.<sup>589</sup>

**The Australian Greens (Victoria) also believed that the problem of not displaying GVTs was further compounded by the VEC ruling that a GVT could not be distributed to voters like a HTV card. This meant that without the presence of clearly displayed GVTs at all voting centres, registered political parties were unable to inform electors about how preferences would be distributed. Alison Clarke commented that:**

[O]n the day sometimes the group voting tickets were not available. They were ruled out as a How to Vote card, we were not able to provide them and that left a lot of people wondering how preferences would be distributed. ... There was no way of presenting any documentation on how the preferences would flow. Preferences obviously matter a lot in the wash-up, they matter a great deal in the wash-up in some of the seats. We believe that the public is entitled to have that information.<sup>590</sup>

**The VEC accepted the criticism that not all voting centres displayed GVTs as required by law.<sup>591</sup> While the EMC supports the VEC's initiative to address this issue for the next state election, it also supports the Australian Democrats call for clarification about whether GVTs need only be displayed at election day voting centres or at all voting centres, including early voting centres, interstate and overseas voting centres.<sup>592</sup>**

**The EMC was asked to consider two suggestions with the aim of improving electors' knowledge of how votes are preferenced in the Legislative Council. First, Senator Allison suggested the development of a matrix or summary of**

---

<sup>587</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>588</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>589</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>590</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>591</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>592</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

preferences which displays the preference flows of above-the-line voting for each political party should be prominently displayed in all voting centres.<sup>593</sup>

**Figure 6.1: Sample of the matrix**

Preference flows for above the line voting South Eastern Metropolitan Region

| Groups:              | A - Family First |    |    |    | B - Liberal |       |       |       |       | C - PP |    | D - Democrats |    |    | E - Ind |    | F - CD |    | G - Greens |    |    | H - ALP |       |       |       |       | I - DLP |    |
|----------------------|------------------|----|----|----|-------------|-------|-------|-------|-------|--------|----|---------------|----|----|---------|----|--------|----|------------|----|----|---------|-------|-------|-------|-------|---------|----|
| Candidates:          | 1                | 2  | 3  | 4  | 1           | 2     | 3     | 4     | 5     | 1      | 2  | 1             | 2  | 3  | 1       | 2  | 1      | 2  | 1          | 2  | 3  | 1       | 2     | 3     | 4     | 5     | 1       | 2  |
| Family First         | 1                | 2  | 3  | 4  | 9           | 10    | 11    | 12    | 13    | 21     | 22 | 23            | 24 | 25 | 14      | 15 | 5      | 6  | 26         | 27 | 28 | 16      | 17    | 18    | 19    | 20    | 7       | 8  |
| Liberal              | 6                | 7  | 8  | 9  | 1           | 2     | 3     | 4     | 5     | 14     | 15 | 16            | 17 | 18 | 19      | 20 | 12     | 13 | 26         | 27 | 28 | 21      | 22    | 23    | 24    | 25    | 10      | 11 |
| People Power         | 23               | 24 | 25 | 26 | 18          | 19    | 20    | 21    | 22    | 1      | 2  | 3             | 4  | 5  | 6       | 7  | 27     | 28 | 8          | 9  | 10 | 13      | 14    | 15    | 16    | 17    | 11      | 12 |
| Australian Democrats | 23               | 24 | 25 | 26 | 11~16       | 12~17 | 13~18 | 14~19 | 15~20 | 4      | 5  | 1             | 2  | 3  | 9       | 10 | 27     | 28 | 6          | 7  | 8  | 16~11   | 17~12 | 18~13 | 19~14 | 20~15 | 21      | 22 |
| Independent          | 8                | 16 | 17 | 18 | 26          | 19    | 24    | 22    | 25    | 3      | 11 | 7             | 12 | 15 | 1       | 2  | 6      | 13 | 4          | 10 | 14 | 27      | 28    | 21    | 20    | 23    | 5       | 9  |
| Christian Democratic | 3                | 4  | 5  | 6  | 12          | 11    | 13    | 14    | 15    | 16     | 17 | 23            | 24 | 25 | 9       | 10 | 1      | 2  | 26         | 27 | 28 | 18      | 19    | 20    | 21    | 22    | 7       | 8  |
| Greens               | 25               | 26 | 27 | 28 | 16          | 17    | 18    | 19    | 20    | 9      | 10 | 6             | 7  | 8  | 4       | 5  | 23     | 24 | 1          | 2  | 3  | 11      | 12    | 13    | 14    | 15    | 21      | 22 |
| ALP                  | 16               | 17 | 18 | 19 | 22          | 23    | 24    | 25    | 26    | 6      | 7  | 8             | 9  | 10 | 27      | 28 | 20     | 21 | 11         | 12 | 13 | 1       | 2     | 3     | 4     | 5     | 14      | 15 |
| DLP                  | 5                | 6  | 7  | 8  | 13          | 14    | 16    | 17    | 18    | 9      | 10 | 23            | 24 | 25 | 11      | 12 | 3      | 4  | 26         | 27 | 28 | 19      | 20    | 15    | 21    | 22    | 1       | 2  |

Summary of preferences by party

| 1                      | 2             | 3            | 4             | 5             | 6            | 7              | 8             | 9             |
|------------------------|---------------|--------------|---------------|---------------|--------------|----------------|---------------|---------------|
| Family First           | Christian Dem | DLP          | Liberal       | Independents  | Labor        | People Power   | Democrats     | Greens        |
| Liberal                | Family First  | DLP          | Christian Dem | People Power  | Democrats    | Independents   | Labor         | Greens        |
| People Power           | Democrats     | Independents | Greens        | DLP           | ALP          | Liberal        | Family First  | Christian Dem |
| *Australian Democrats  | People Power  | Greens       | Independents  | Labor         | Liberal      | DLP            | Family First  | Christian Dem |
| **Australian Democrats | People Power  | Greens       | Independents  | Liberal       | Labor        | DLP            | Family First  | Christian Dem |
| **Independents         | People Power  | Greens       | DLP           | Christian Dem | Democrats    | Family First   | Liberal       | Labor         |
| Christian Democratic   | Family First  | DLP          | Independents  | Liberal       | People Power | Labor          | Democrats     | Greens        |
| Greens                 | Independents  | Democrats    | People Power  | ALP           | Liberals     | DLP            | Christian Dem | Family First  |
| ALP                    | People Power  | Democrats    | Greens        | DLP           | Family First | Christian Dems | Liberal       | Independents  |
| DLP                    | Christian Dem | Family First | People Power  | Independents  | Liberals     | Labor          | Democrats     | Greens        |

\* Australian Democrats split voting ALP/Libs 50/50 \*\* Independent flows irregular but denotes preference of first candidate in each group

Source: Australian Democrats, *Submission No. 17*, p. 5.

The matrix need not include candidates’ names because “someone who votes above the line is not necessarily interested in individuals but they are interested in political parties”.<sup>594</sup> Senator Allison stated the matrix should enable electors to easily understand how preferences flow between registered political parties:

It would be possible to simply run your line along any of those party lines to discover who got the first vote, and so on, through the sheet. The change that I am referring to is the Australian Democrats in fact who put up split tickets—and this is not an unusual situation these days—where we encourage our voters to choose between the major parties when it comes to government, and I have given them two separate lines instead of expressing them on the one line. The summary of preferences by party would be another way of doing that, again on [a] poster. I would argue that this needs to be not a small piece of paper but either up at least A3 size in the polling booths themselves or somehow displayed on entry into the polling place.<sup>595</sup>

The second suggestion was from the Australian Greens (Victoria) who argued that registered political parties should be allowed to register GVTs with the VEC for distribution to electors at early voting centres and election

<sup>593</sup> Australian Democrats, *Submission No. 17*, p. 1.

<sup>594</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>595</sup> L Allison (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.



day voting centres, similarly to HTV cards. This would require an amendment of the *Electoral Act 2002*.<sup>596</sup>

Without an extensive body of evidence to draw on, it is difficult for the EMC to ascertain the feasibility of the two suggestions. Nevertheless, while the EMC understands the intentions of the Australian Democrats and the Australian Greens (Victoria) in informing voters, it is concerned that the complexity of GVTs – albeit in the form of a matrix or GVT card for distribution – may confuse voters, especially as the majority of voters vote above-the-line.

**Recommendation 6.6: The Victorian Electoral Commission ensures that election day voting centres prominently display group voting tickets at the 2010 Victorian state election.**

**Recommendation 6.7: The Victorian Government considers amending the *Electoral Act 2002* to require group voting tickets to be prominently displayed at all voting centres.**

## Abolition of group voting tickets

The EMC heard evidence from Geoffrey Goode, President of the PRSAV-T, about the VEC's lack of compliance with the *Electoral Act 2002* in relation to GVTs. Although he expressed his disappointment with the lack of accessibility of GVTs via the VEC website and lack of display of GVTs at voting centres on election day, the PRSAV-T argued that GVTs should be abolished:

Our main point is that a better way out is not to have group voting tickets at all ... above-the-line voting is neither necessary nor desirable.<sup>597</sup>

He also contended that the relationship between GVTs and rates of informality led weight to his argument for the abolition of GVTs. Comparing the percentage of informal votes cast at the 2006 Victorian and Tasmanian state elections, he reported that Victoria recorded a higher percentage of informal votes, even though electors were aided with GVTs and partial optional preferential. Geoffrey Goode said:

[F]igures on the VEC website show that at the [Victorian] Legislative Council election last year ... the overall percentage of informal votes was 4.44 per cent, and that is with a group voting ticket arrangement and partial optional preferential below the line. In 2006, that same year, the Tasmanian Assembly went to the polls. The figures on the Tasmanian Electoral Commission website show that the percentage of informal votes there was lower, 4.28 per cent, and there are no group voting tickets at all.<sup>598</sup>

---

<sup>596</sup> Australian Greens (Victoria), *Submission No. 8*, p. 4.

<sup>597</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>598</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

According to these figures, Geoffrey Goode deduced that GVTs do not reduce the rate of informality. The EMC felt that it was problematic to compare the 2006 Victorian and Tasmanian state elections. EMC member, Robin Scott MP, noted the differences in the demographic characteristics of the populations and voting systems:

My concern would be that Tasmania has a very low rate of persons from a non-English-speaking background comparative to other states like Victoria and the effect of having a more complex voting system on these persons and their ability to participate in the electoral process ... might lead to a disadvantage, to a lesser participation, from some of the groups in the community who have more difficulty in following a more complex electoral system.<sup>599</sup>

The EMC recognises that GVTs informs voters about the order in which political parties and groups want their preferences distributed in the Legislative Council. The EMC considers that it is the right of electors to receive this information to assist them understand how their vote will be counted. Accordingly, the EMC does not support the abolition of GVTs.

## Ballot papers

### Easy-English and ballot paper design

The EMC recognises the VEC's consistent efforts and attention to detail in its production of high quality ballot papers for the 2006 Victorian state election.<sup>600</sup> However, the EMC heard that many electors experienced difficulties completing ballot papers because of literacy issues and ballot paper design. Evidence was gathered from disability groups as well as ethnic and Indigenous organisations including:

- ADEC;
- ECCV;
- Scope Victoria Limited; and
- VALS.

Evidence indicated that ballot paper design, including language use and visual cues, can influence the quality of the voting experience for electors with low levels of literacy and education and those electors with a disability.<sup>601</sup> For example, the instructions provided and background

<sup>599</sup> Robin Scott MP cited in G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>600</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>601</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7; C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 5-7.

watermark on the ballot papers at the 2006 Victorian state election were cited as problematic. When Cathy Basterfield, a Speech Pathologist Consultant, with Scope Victoria Limited, was asked by EMC member, the Honourable Christine Campbell MP, if the ballot paper was too complex for the majority of the population, she answered:

[Y]es. ... I also have concern about the watermark behind it. I know it requires a piece of legislation because that is the government signature and it has been explained to me, but a watermark is one of those things that make it much harder for people to read the information. ... The other thing that I became aware of when I started to work with the Victorian Electoral Commission is the use of photos that people have on their cards that go out, but on the election form or ballot form it does not have it. ... The more consistency you can get the easier it is going to be for people. The other thing if that has to be like it is, maybe looking at colour-coding ... [an] instruction sheet in the same colour as your lower house would give people a bit more of a clue. "This is the yellow sheet for the yellow instructions [and] this is the pink sheet for the pink instructions."<sup>602</sup>

Steve Tully agreed that the use of Easy-English in ballot papers is a contentious issue. He said:

Easy-English and instructions are always an issue for us and an internal one with those people who are in the communications profession stretching interpretations of quite complex statements into simplified statements which sometimes lose their legal meaning. There is a tension between what the law says that we have to say and what we can say in Easy-English, and we battle with that.<sup>603</sup>

The use of languages other than English on ballot papers may even be more of an issue, especially in regard to the quality of translations.<sup>604</sup>

While there has been some research on the impact of split ticket voting in Australia,<sup>605</sup> there has been little research conducted in Australia, or elsewhere, about the impact of ballot paper features such as the location and readability of instructions, the use of shading and bolding and the layout of a ballot paper.<sup>606</sup> What is known is that there is a relationship between the complexity of the ballot paper design and the rate of informal votes and, in turn, the election outcomes.<sup>607</sup>

---

<sup>602</sup> C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 5-7.

<sup>603</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 11.

<sup>604</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 11.

<sup>605</sup> JG Rusk, "The effects of the Australian ballot reform on split-ticket voting: 1876-1908", *American Political Science Review*, vol. 64, no. 4, 1970, pp. 1220-1238.

<sup>606</sup> DC Kimball & M Kropf, "Ballot design and unrecorded votes on paper-based ballots", *Public Opinion Quarterly*, vol. 69, no. 4, 2005, pp. 528-529; A Reynolds & M Steenberg, "How the world votes: The political consequences of ballot design, innovation and manipulation", *Electoral Studies*, vol. 25, no. 3, 2006, pp. 570-598.

<sup>607</sup> DC Kimball & M Kropf, "Ballot design and unrecorded votes on paper-based ballots", *Public Opinion Quarterly*, vol. 69, no. 4, 2005, pp. 528-529.

As a result, the EMC suggests that the VEC investigate simplifying the ballot papers for the Legislative Assembly and Legislative Council. This is not an uncommon recommendation according to the literature:

[M]any new democracies [along with some older ones] are experimenting with multi-colored ballots, symbols, and photographs of candidates.<sup>608</sup>

However, the EMC recognises that the VEC needs to carefully consider any changes to the ballot paper designs as the EMC is aware that at the 2007 Scottish parliamentary elections, the number of informal votes increased significantly following changes to the ballot paper design, among other electoral reforms.<sup>609</sup> An examination of the informal ballots at the 2007 Scottish parliamentary elections reported that:

It will come as no surprise to people familiar with election administration and ballot design that altering a ballot and, more specifically, altering the instructions to voters on the ballot would cause problems in election returns and ballot spoilage.<sup>610</sup>

**Recommendation 6.8: The Victorian Electoral Commission considers investigating simplifying the ballot paper designs for the Legislative Assembly and the Legislative Council.**

## Distribution of Legislative Council ballot papers

The EMC heard that The Nationals were concerned about how Legislative Council ballot papers were issued to voters at the 2006 Victorian state election. The Nationals reported that election officials often folded the ballot paper in half before handing it to a voter,<sup>611</sup> despite election officials being instructed to unfold the Legislative Council ballot paper at the time of issuing.<sup>612</sup> Given that the ballot paper had increased in size, The Nationals were concerned that voters issued with a folded ballot paper may only mark the “folded section that they could see, not realising that the ballot was folded and that more options were on the other side”.<sup>613</sup> The VEC reported that they had also received a complaint regarding this matter.<sup>614</sup> The Nationals believe that this had serious implications, in particular:

If a candidate or party was positioned on the section of the ballot paper that was folded behind, then they were placed at a major disadvantage to those candidates and parties on the front side of the folded ballot paper. This situation, if conducted on

<sup>608</sup> A Reynolds & M Steenbergen, "How the world votes: The political consequences of ballot design, innovation and manipulation", *Electoral Studies*, vol. 25, no. 3, 2006, pp. 570-598.

<sup>609</sup> In 1999 the total number of informal ballots in constituency contests was 7,839 and in list contests was 7,268. In 2007, the comparable figures in constituency contests was 85,643 and in list contests was 60,454.

<sup>610</sup> C Carman & J Mitchell, *An examination of ballot rejection in the Scottish parliamentary elections of 2007*, University of Strathclyde, Glasgow, 2007, p. 7.

<sup>611</sup> The Nationals, *Submission No. 18*, p. 1.

<sup>612</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 11.

<sup>613</sup> The Nationals, *Submission No. 18*, p. 1.

<sup>614</sup> Victorian Electoral Commission, *Submission No. 20*, p. 46.

a wide spread basis, has the possibility of altering the result of the election in a particular region.<sup>615</sup>

The EMC understands the VEC is taking the initiative to consider strategies to address this issue,<sup>616</sup> especially as the distribution of folded ballot papers has been recognised to cause significant problems at overseas elections. At the 2004 Indonesian Presidential elections, voters cast their ballot by making a hole in the ballot paper with a nail. Some voters who received a folded ballot paper did not unfold it and in turn, pressed the nail into the folded ballot paper making two holes, which invalidated the vote.<sup>617</sup>

## Candidate's position on ballot papers

Research indicates that candidates' position on the ballot paper influences a voter's decision and election outcomes.<sup>618</sup> A candidate listed at the top of the ballot paper is more likely to receive an electoral advantage of between 1%-3%.<sup>619</sup> It has been suggested that voters are more likely to select the first candidate on the ballot paper because as voters cast their eyes down the candidate list, they become increasingly fatigued and their mind becomes "clogged with thoughts". In this scenario, voters are inclined to accept the first candidate as a solution to the problem of choosing a candidate, especially when the cost of making a mistake in candidate choice is minimal.<sup>620</sup>

Notwithstanding the above research, the candidate listed at the bottom or lowest position on the ballot paper can also have as much electoral advantage as the first-listed candidate.<sup>621</sup> This is because voters tend to skim over the middle section of the ballot papers when the candidate list is long.<sup>622</sup> A larger proportion of voters with a lower median age, who are not proficient in English and report a lack of information about candidates, are

---

<sup>615</sup> The Nationals, *Submission No. 18*, p. 2.

<sup>616</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 11.

<sup>617</sup> R Harvey, "Indonesians vote in historic poll", *BBC News*, 5 July 2004. Retrieved 18 January 2007 from <http://news.bbc.co.uk/2/hi/asia-pacific/3865557.stm>; The Carter Center, *The Carter Center 2004 Indonesia election report*, The Carter Center, Atlanta, 2005, p. 54.

<sup>618</sup> R Darcy & I McAllister, "Ballot position effects", *Electoral Studies*, vol. 9, no. 1, 1990, pp. 5-17; JM Miller & JA Krosnick, "The impact of candidate name order on election outcomes", *Public Opinion Quarterly*, vol. 62, no. 3, 1998, pp. 291-330; D Brockington, "A low information theory of ballot position effect", *Political Behavior*, vol. 25, no. 1, 2003, pp. 1-27; JGS Koppell & JA Steen, "The effects of ballot position on election outcomes", *The Journal of Politics*, vol. 66, no. 1, 2004, pp. 267-281.

<sup>619</sup> M Mackerras, "The 'donkey vote'", *The Australian Quarterly*, vol. 40, no. 4, 1968, pp. 89-92; J Kelley & I McAllister, "Ballot paper cues and the vote in Australia and Britain: Alphabetic voting, sex and title", *The Public Opinion Quarterly*, vol. 48, no. 2, 1984, pp. 452-466.

<sup>620</sup> JM Miller & JA Krosnick, "The impact of candidate name order on election outcomes", *Public Opinion Quarterly*, vol. 62, no. 3, 1998, p. 294.

<sup>621</sup> GC Byrne & JK Puschel, "But who should I vote for county coroner?" *The Journal of Politics*, vol. 36, no. 3, 1974, pp. 778-784; C Robson & B Walsh, "The importance of positional voting bias in the Irish general election of 1973", *Political Studies*, vol. 22, no. 2, 1974, pp. 191-203.

<sup>622</sup> S Bowler, T Donovan & T Happ, "Ballot propositions and information costs: Direct democracy and the fatigued voter", *The Western Political Quarterly*, vol. 45, no. 2, 1992, pp. 559-568.

more likely to be influenced by the position of the candidate's name on the ballot paper.<sup>623</sup>

The PRSAV-T and William Jacomb provided evidence to the EMC about the position of candidate names on the ballot paper, in particular the methods of randomising and rotating the candidates' names on ballot papers.<sup>624</sup> In Victoria the VEC determines ballot position by a computerised single random draw.<sup>625</sup> However, William Jacomb indicated that this method is problematic because of security concerns and lack of public scrutiny. He said:

The problem with computers is that they can be hacked into and people do not want to feel ripped off in an election. If it is done in public where people can see the marbles being drawn, there can be no doubt that whoever got that first position on the ballot paper ... has got it fairly and squarely.<sup>626</sup>

William Jacomb suggested that the VEC should investigate the adoption of the model of double randomisation (two random draws) to determine the order of candidates for the Legislative Assembly ballot papers and the order of groups and ungrouped candidates on Legislative Council ballot papers.<sup>627</sup> This method is currently used to determine the ballot position for House of Representatives and Senate candidates. The first draw assigns a number to the group/candidate and the second draw determines the order in which candidates/groups appear on the ballot paper.<sup>628</sup>

The EMC acknowledges that computer security includes protecting information from theft or corruption. The EMC notes the VEC's measures to prevent and detect unauthorised use of its computer system and to preserve the confidentiality and integrity of the information it manages.

The VEC advised that its computerised system would be able to conduct a double electronic draw. However, the EMC noted that the VEC "have been advised that the results are no more random with a double draw than with a single draw". While the VEC acknowledged that the model of double randomisation draws much attention, the "method has led to severe embarrassment and court action when marbles have been dropped mid-way through the draw and the processes started again".<sup>629</sup>

---

<sup>623</sup> JM Miller & JA Krosnick, "The impact of candidate name order on election outcomes", *Public Opinion Quarterly*, vol. 62, no. 3, 1998, pp. 291-330.

<sup>624</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 4-5; Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 3; G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, pp. 2-5.

<sup>625</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>626</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>627</sup> W Jacomb, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>628</sup> Australian Electoral Commission, *Candidate's handbook*, Pirion Printers, Canberra, 2007, p. 30.

<sup>629</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

The PRSAV-T referred to the Robson Rotation, a system of listing the candidates on the ballot paper in different orders, which is mandated for the Australian Capital Territory's Legislative Assembly and both houses of the Parliament of Tasmania. The Society indicated that the adoption of Robson Rotation for the Legislative Council would make the Upper House a more democratic body.<sup>630</sup>

The EMC notes the substantial costs associated with the rotation of candidates' names on ballot papers. These costs are considerably higher than for a fixed candidate list and would require printing up to 60 different ballot papers for each region.<sup>631</sup> These financial and administrative costs are due to rotation increasing:

- The design and layout of ballot papers required, which in turn increases printing costs and printing time;
- The administrative and technical burden associated with ballot randomisation;
- The amount of training required for election officials;
- The chance of error when election officials count votes; and
- The complexity of ballot papers which may place an additional strain or burden on voters.<sup>632</sup>

Geoffrey Goode disagreed with the financial costs associated with the printing of the ballot papers:

[I] have spoken to a former Tasmanian government printer on this matter and, with modern computer systems, there is no problem at all. There is an automatic rotation of the print format and if there are, say, 50,000 ballot papers to be printed, there are just as many ballot papers to be printed under the rotation system as there would if there weren't a rotation system, and the computer simply changes its output when it comes time to start a new batch, and they are done, not in whole stacks, but they are interleaved, so there is no way in which a voter who is to get a ballot paper knows which candidate is going to be on top. They all have an equal probability of getting it [the first position].<sup>633</sup>

The evidence gathered represents the different viewpoints about the method of determining the candidate's position on the ballot paper. The EMC acknowledges that the method used by the VEC should be fair and verifiable. The EMC supports the VEC's current procedure for determining the candidate's position on the ballot paper for Victorian state elections.

---

<sup>630</sup> Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 3.

<sup>631</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 2*, p. 2.

<sup>632</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 2*, pp. 1-2; R Darcy, "Position effects with party column ballots", *Political Research Quarterly*, vol. 39, no. 4, 1986, pp. 648-662.

<sup>633</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

## Above-the-line voting provision

The EMC heard the PRSAV-T's concerns regarding the above-the-line voting provision on the ballot paper for the Legislative Council. The Society argued that above-the-line voting encourages voters to select a registered political party rather than consider the merits of the nominated candidates, which in turn distances voters from candidates. Geoffrey Goode noted that "an easy tick [numbering] that automatically slots in a predetermined group"<sup>634</sup> may have a detrimental effect on the elector's relationship with candidates. He explained that:

The community is becoming more distanced. People are taking less interest in the actual people and what the actual people stand for within a party. They [electors] have no control over which faction or tendencies within a party will predominate.<sup>635</sup>

The failure to display GVTs at voting centres and voters' lack of engagement with GVTs, as discussed in this chapter, further compounds this. The Society advocated for the removal of above-the-line voting in the *Electoral Act 2002* in order to facilitate the "healthy transfer of power, interest and engagement from a few party organisers and insiders to the very much larger voting public".<sup>636</sup>

The PRSAV-T was concerned that the *Constitution Act 1975* does not contain direct election provisions. Geoffrey Goode requested the EMC consider introducing a direct election provision in the *Victorian Constitution Act 1975*, similar to that in other jurisdictions.<sup>637</sup> For example in Commonwealth and Western Australian constitutions it reads:

The Senate shall be composed of senators for each State, *directly chosen by the people* of the State, voting, until the Parliament otherwise provides, as one electorate.<sup>638</sup>

The House of Representatives shall be composed of members *directly chosen by the people* of the Commonwealth.<sup>639</sup>

[T]he Legislative Council or the Legislative Assembly shall be composed of members other than members *chosen directly by the people*.<sup>640</sup>

Geoffrey Goode argued that the abolition of above-the-line voting provisions would enable electors to directly elect members to the Parliament rather than leave the decision making to registered political parties and selectors. He explained that this would lead to a more transparent electoral system:

---

<sup>634</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>635</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>636</sup> Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 2.

<sup>637</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>638</sup> *Commonwealth of Australia Constitution Act* Part 2, s 7.

<sup>639</sup> *Commonwealth of Australia Constitution Act* Part 3 s 24.

<sup>640</sup> Western Australia's *Constitution Act 1889* Part VII s 73(2)(c).



The net benefit is that it is a more open and honest system. There is no organisation setting people up. It is not stage-managed in the sense that somebody or other is giving certain candidates an advantage by being put in a particular position. The benefit is that the electoral power is transferred to the voters.<sup>641</sup>

The EMC is aware of the financial and time costs and informality issues that may arise should above-the-line voting be abolished. For example, election officials would need more time to count below-the-line votes, which would increase costs and delay the publication of results.

The EMC does not support the abolition of above-the-line voting provisions in the *Electoral Act 2002*. Approximately 95% of electors voted above-the-line at the 2006 Victorian state election.<sup>642</sup> If the provision was abolished, the majority of electors' would be denied their preferred method of voting. The EMC anticipates that the removal of above-the-line voting would also increase the number of informal ballots cast, which would further disenfranchise electors.

## Authorisation of electoral campaign matter

The Liberal Party of Australia's (Victorian Division) submission brought to the EMC's attention the issue of electoral matter. The submission argued that the rules pertaining to the printing, publishing and distribution of electoral matter should not apply to letters subject to certain conditions. Rather, "a letter that bears the name and street address of the sender" should be added to the list of items under section 83(3) of the *Electoral Act 2002* which does not require an authorised and printed by tag. This amendment would align the Victorian *Electoral Act 2002* with the *Commonwealth Electoral Act 1918* section 328(3)(c).<sup>643</sup>

The VEC responded in favour of this suggestion and in their supplementary submission noted:

The VEC is of the view that all electoral material, unless specifically exempted should be appropriately authorised. The suggestion made by the Liberal Party to provide an exemption for letters would be helpful in reducing any confusion on this matter.<sup>644</sup>

As the VEC supports this clarification, the EMC recommends section 83(3) of the *Electoral Act 2002* be amended so that electoral matter, which is in the form of a letter and bears the name and street address of the sender, does not need to contain an authorised and printed by tag.

**Recommendation 6.9: The Victorian Government considers amending section 83(3) of the *Electoral Act 2002* so that electoral matter, which is**

---

<sup>641</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>642</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 2*, p. 2.

<sup>643</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 3.

<sup>644</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 8.

in the form of a letter and bears the name and street address of the sender does not need to contain an authorised and printed by tag.

## Misleading and deceptive behaviour

Section 84 of the *Electoral Act 2002* stipulates what constitutes a misleading or deceptive matter in relation to electoral matter and the penalties which apply.

### 2006 Victorian state election

The VEC received and investigated complaints about misleading or deceptive electoral matter, such as incorrect authorisation. Where those complaints were upheld, the VEC required the candidate to amend the electoral matter.<sup>645</sup>

The VEC referred two matters about misleading electoral matter to the VGSO for advice. The outcomes were reported as follows:

Previous court decisions have determined that electoral advertising is only misleading when it acts to mislead or deceive an elector in relation to the actual casting of their vote. As neither of these matters related to the casting of votes, no further action was taken.<sup>646</sup>

The EMC notes the VGSO's advice and the VEC's decision in this matter.

### Albert Park District and Williamstown District by-elections

The EMC was informed that the VEC received two formal complaints about a letter which electors received during the Albert Park District by-election, which indicated that the Australian Greens intended closing MacRobertson Girls' High School. The electors believed the letters were distributed by the Australian Labor Party. The VEC's decision was as follows:

As the letter did not mislead electors as to how to cast their actual ballot, the VEC advised that it considered that the relevant section of the Act (section 84) had not been breached.<sup>647</sup>

The EMC notes the VEC's decision in this matter.

### Endorsement of candidates

On Wednesday 28 May 2008 the EMC secretariat discussed with William Jacomb the contents of his transcript of evidence to the inquiry. In personal communications with the EMC Secretariat, William Jacomb refers to the 2005 City of Brimbank local council election, discussing his view of matters relating to allegations that a number of candidates at the 2005 City of

<sup>645</sup> Victorian Electoral Commission, *Submission No. 20*, p. 56.

<sup>646</sup> Victorian Electoral Commission, *Submission No. 20*, p. 56.

<sup>647</sup> Victorian Electoral Commission, *Submission No. 28*, p. 14.

Brimbank local council election claimed to have the endorsement of the Australian Labor Party, when this was in fact not the case.<sup>648</sup>

The EMC notes that these matters were brought before the Victorian Municipal Elections Tribunal (MET).<sup>649</sup>

The EMC further notes that William Jacomb recommended amendments to section 55(a) of the *Local Government Act 1989*, to the effect that a candidate must not during the election period:

- [Claim] or [imply] endorsement by a political party or group when no such endorsement has been granted; and
- Use [unauthorised] Registered / Recognised Business Names and Trademarks.<sup>650</sup>

While local council elections are outside the scope of this inquiry, this proposed amendment is noted by the EMC.

In his personal correspondence with the EMC secretariat, William Jacomb expressed a view that the above changes would, by implication, affect Section 84(2) of the *Electoral Act 2002*, due to similarities, in his opinion, in the wording and intent of the respective sections of the Acts.<sup>651</sup>

The EMC notes William Jacomb's submission and recommendations.

---

<sup>648</sup> W Jacomb, *Personal communication*, 28 May 2008.

<sup>649</sup> W Jacomb, "Submission to Premier: Problems with recent VCAT decisions invalidating section 55A of the Local Government Act", 2008, p. 3.

<sup>650</sup> W Jacomb, "Submission to Premier: Problems with recent VCAT decisions invalidating section 55A of the Local Government Act", 2008, p. 24.

<sup>651</sup> W Jacomb, *Personal communication*, 28 May 2008.

---

## Chapter Seven: Voting centres and voting

This chapter considers issues that were raised throughout the inquiry that relate to voting centres and voter participation. The EMC has identified the key issues and made recommendations to improve the administration of voting centres and the voting experience of Victorian electors.

### Voting centres

#### Early voting centres

##### 2006 Victorian state election

###### Operating hours

There were 77 EVCs which operated at electoral district offices and other locations, including Melbourne and Avalon airports during the 2006 Victorian state election. These EVCs were open during normal business hours between Friday 10 November and Friday 24 November 2006. Operating hours for EVCs were extended on Saturday 18 November 2006 from 8.00 am to 2.00 pm and Thursday 23 November 2006 until 8.00 pm.<sup>652</sup>

###### Electors with special circumstances

Electors with special circumstances (those electors who were travelling and unable to attend a voting centre) were able to vote from 4.00 pm on Friday 10 November 2006; four hours after the close of nominations.<sup>653</sup> The VEC advised that 434 voters voted on Friday 10 November 2006.<sup>654</sup>

Electors with special circumstances who voted on Friday 10 November 2006 were restricted to voting below-the-line because the group voting tickets were not yet finalised. Consequently, to enable adequate printing time and to standardise the services available to all voters regardless of when they cast a vote, the VEC has requested amendments to the *Electoral Act 2002*

---

<sup>652</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 27-28.

<sup>653</sup> Victorian Electoral Commission, *Submission No. 20*, p. 28.

<sup>654</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

to provide that early voting only commence on the Monday after nominations close.<sup>655</sup>

The EMC notes the logistical difficulties associated with the production and distribution of ballot papers in a short time frame. In addition, the EMC recognises that this requested amendment will support members of the Victorian community having equivalent information and opportunity to vote.

Nevertheless, the proposed amendment by the VEC would have disenfranchised 434 electors at the 2006 Victorian state election. While the EMC acknowledges that it is important to provide standard information to electors, the EMC is keen to encourage enfranchisement and does not support amending the *Electoral Act 2002*.

## Airports

The operating hours of EVCs at Melbourne and Avalon airports came under criticism from some electors who expressed disappointment that the operating hours did not reflect the extended operating hours of the airport.<sup>656</sup> The VEC has indicated they will rectify this issue by exploring “options to extend operating hours at airport voting centres”.<sup>657</sup> Steve Tully, Electoral Commissioner of Victoria, told the public hearing that:

We will certainly staff our facilities at the airport longer into the night because most international flights leave [late at night] ... We will commit to do that now.<sup>658</sup>

The EMC appreciates the VEC agreeing to accommodate the needs of voters by extending operating hours at airport voting centres.

## Location of early voting centres

Evidence was gathered during the inquiry about the number and geographical location of EVCs. The VEC received five complaints from candidates about the location of EVCs.<sup>659</sup> The Liberal Party of Australia (Victorian Division) indicated that while the number of votes cast at EVCs had increased, the number of EVCs had decreased. In addition, they stressed the importance of having at least one EVC in every electorate/district.<sup>660</sup>

In his submission Bob Saunder suggested that an EVC be located at the site of the largest voting centre in each rural centre.<sup>661</sup> Luke O’Sullivan, State Director of The Nationals, indicated that this would not solve the transport

---

<sup>655</sup> Victorian Electoral Commission, *Submission No. 20*, p. 122.

<sup>656</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 27-28.

<sup>657</sup> Victorian Electoral Commission, *Submission No. 20*, p. 116.

<sup>658</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 20.

<sup>659</sup> Victorian Electoral Commission, *Submission No. 20*, p. 45.

<sup>660</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 1.

<sup>661</sup> B Saunder, *Submission No. 12*, p. 1.

and distance issues for more remote Victorian communities.<sup>662</sup> The VEC also pointed out the difficulty of leasing a voting centre, in particular a school or town hall, for the entire two week early voting period. Consequently, the VEC did not support this suggestion.<sup>663</sup>

However, the VEC is aware of the affect of EVCs' geographical location on voters and its submission noted that it will "review the locations of early voting centres, with a commitment to ensuring adequate coverage and resourcing".<sup>664</sup> The EMC supports this initiative by the VEC.

### Advertising early voting centres

Bob Saunder indicated his concern about the lack of advertising for early voting centres.<sup>665</sup> Although EVCs were advertised in the media between 10 November 2006 and 15 November 2006 and through the VEC's website and telephone inquiry service,<sup>666</sup> the VEC was also concerned about the timing of advertising early voting centres and indicated that their communication strategy will be revised to:

[C]onsider the timing of the stages of various campaigns; with a particular emphasis on advertising early voting prior to the issuing of postal votes. This is to encourage those who can not attend a voting centre on election day to vote early, as opposed to applying for a postal vote; and the inclusion of more tailored information, such as a list of voting centres on the EasyVote card.<sup>667</sup>

The EMC supports the revision of the VEC's communication strategy for the 2010 Victorian state election.

## Albert Park District and Williamstown District by-elections

Three EVCs operated for the Albert Park District and Williamstown District by-elections. These were located at the Albert Park and Williamstown election offices, as well as the VEC head office in Little Collins Street, Melbourne. EVCs were open weekdays from 8.30 am to 5.00 pm two weeks prior to the day of the by-elections, as well as extended hours on three other days.<sup>668</sup>

## Mobile voting centres

### 2006 Victorian state election

A total of 892 mobile voting centres were provided for the 2006 Victorian state election, compared with 878 at the 2002 Victorian state election. Mobile voting centres move between nursing homes, hostels, hospitals and

<sup>662</sup> L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>663</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 9.

<sup>664</sup> Victorian Electoral Commission, *Submission No. 20*, p. 116.

<sup>665</sup> B Saunder, *Submission No. 12*, p. 1.

<sup>666</sup> Victorian Electoral Commission, *Submission No. 20*, p. 32.

<sup>667</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>668</sup> Victorian Electoral Commission, *Submission No. 28*, p. 11.

correctional centres. Mobile voting centres also visited various special events within Victoria including the Spring Car Nationals in Shepparton, the Queenscliff Music Festival, the Great Victorian Bike Ride in Wangaratta and the Corporate Games in Melbourne. A mobile voting centre was also provided for the 400 fire fighters temporarily located in Casterton.<sup>669</sup>

The EMC congratulates the VEC on responding quickly and effectively to establish mobile voting centres based on the needs of voters.

The EMC notes that November is becoming “prime bushfire season” and as state elections are scheduled to be held every four years on the last Saturday in November, bushfires may impact on electoral services and influence the location of emergency mobile voting centres.<sup>670</sup>

The EMC received evidence from the Council on the Ageing and Hanover Welfare Services about the usefulness of mobile voting centres in residential care facilities and crisis accommodation centres respectively.<sup>671</sup> The EMC heard that mobile voting centres could be more inclusive and accommodating for electors. Julie Nelson, Policy Officer with the Council on the Ageing noted:

I think it [mobile voting centres] would be an aspect that the VEC could consider advertising. It does not seem to me that it would be any more difficult to take votes [from other electors], given it is from the same residential electoral roll, from adjacent areas.<sup>672</sup>

The EMC agrees with this sentiment that electors from the electorate should not be precluded from voting at mobile voting centres.

**Recommendation 7.1: The Victorian Electoral Commission considers allowing electors from the electorate to vote at mobile voting centres where convenient.**

## **Albert Park District and Williamstown District by-elections**

Mobile voting centres visited aged care facilities, hostels and hospitals in the fortnight prior to the by-elections.<sup>673</sup>

---

<sup>669</sup> Victorian Electoral Commission, *Submission No. 20*, p. 28; S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>670</sup> Victorian Electoral Commission, *Submission No. 28*, p. 25.

<sup>671</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3; A Hollows (Research and Development Manager), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>672</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

<sup>673</sup> Victorian Electoral Commission, *Submission No. 28*, p. 12.

## Interstate and overseas voting centres

### 2006 Victorian state election

A total of 11 interstate and 28 overseas voting centres were provided for the 2006 Victorian state election.<sup>674</sup>

### Albert Park District and Williamstown District by-elections

A total of 11 interstate and 1 overseas voting centres were provided for the Albert Park District and Williamstown District by-elections.<sup>675</sup>

## Joint voting centres

### 2006 Victorian state election

There was a total of 148 JVCs established for the 2006 Victorian state election compared with 23 JVCs at the 2002 Victorian state election; an increase of 125 JVCs since 2002.<sup>676</sup>

The EMC notes that the Australian Labor Party (Victorian Branch) and the Liberal Party of Australia (Victorian Division) commented on the use of JVCs in their submissions. Both parties indicated that JVCs can complicate the voting process and confuse voters on election day. The Liberal Party's (Victorian Division) submission provided an example of how JVCs might confuse voters:

([A]t least one case there was a JVC which covered 3 Districts and 3 Regions, and therefore provided 6 How to Vote instructions on the one How to Vote card).<sup>677</sup>

Anecdotally, Gordon Rich-Phillips MLC also reported that JVCs may have increased the number of errors made by election officials.<sup>678</sup>

The Liberal Party of Australia (Victorian Division) referred to the report by the Commonwealth Parliament's JSCEM into the conduct of the 2004 federal election and matters related thereto which found that:

[W]idespread use of dual polling booths between adjoining seats is likely to give rise to the view that electors are able to vote in any booth, regardless of the seat in which they are enrolled.<sup>679</sup>

The Australian Labor Party (Victorian Branch) and the Liberal Party of Australia (Victorian Division) support increasing the threshold of absent

---

<sup>674</sup> Victorian Electoral Commission, *Submission No. 20*, p. 28.

<sup>675</sup> Victorian Electoral Commission, *Submission No. 28*, p. 12.

<sup>676</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>677</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 2.

<sup>678</sup> G Rich-Phillips MLC, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 15 February 2007, p. 300.

<sup>679</sup> Parliament of Australia, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Tony Smith MP, Chair), Canberra, 2005, p. 112.



votes cast in a voting centre in a neighbouring district and decreasing the number of JVCs at the 2010 state election.<sup>680</sup>

Data provided by the VEC indicated that in many electorates informal voting increased at JVCs. For example, the average informal voting rate for the Pascoe Vale District was 6.49%. However, at the Glenroy East JVC the percentage of informal votes cast by Pascoe Vale District voters was 15.79%, an increase of 9.3%. In addition, the Kyneton JVC recorded an informal voting rate of 11.36% for voters from the Macedon District when the average informal voting rate for that district was 3.79%.<sup>681</sup>

While the VEC recognises the concerns held by some of the registered political parties and independent candidates, it understands that decreasing the number of JVCs would impact on electors' voting experience:

From an elector's perspective, an ordinary vote is easier and quicker to cast and the vote can be counted on election night. If the VEC were to reduce joint voting centres, it is almost certain that absent votes would increase, and that party workers would be unable to furnish such electors with material, processing time for electors would increase and could impact on waiting time at voting centres.<sup>682</sup>

The VEC intends to establish JVCs close to electoral boundaries in order to reduce declaration voting.<sup>683</sup> The VEC anticipates that the number of JVCs will be increased at the 2010 Victorian state election.<sup>684</sup>

However, the EMC does not support the VEC increasing JVCs at the 2010 Victorian state election. This decision is based on the evidence received from the two major registered political parties, together with anecdotal evidence and JVC's informal voting statistics, which shows that JVCs contributed to voter confusion on election day.

**Recommendation 7.2: The Victorian Electoral Commission considers reducing the number of joint voting centres at the 2010 Victorian state election.**

## **Albert Park District and Williamstown District by-elections**

The EMC noted that there was no requirement for JVCs at the Albert Park District and Williamstown District by-elections.

---

<sup>680</sup> Australian Labor Party (Victorian Branch), *Submission No. 13*, p. 1; Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 2.

<sup>681</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>682</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 8.

<sup>683</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>684</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 8.

## Ordinary election day voting centres

### 2006 Victorian state election

A total of 2,440,009 votes were cast on election day (Saturday 25 November 2006) at 1,652 voting centres. Voting centres were primarily established in schools and community halls and were open between 8 am and 6 pm. Voting centre sites were selected by Election Managers.<sup>685</sup>

#### Advertising of voting centres

The EMC heard from concerned individuals and organisations including Bob Saunder, Mary Madigan and the Council on the Ageing about the need for voting centres to be adequately advertised. Mary Madigan expressed concern that on election day “many did not know where they should be voting”.<sup>686</sup>

The EMC notes this is despite the VEC publicising voting centre locations “online and through the VEC’s telephone enquiry service from 31 October 2006”.<sup>687</sup> The VEC recorded in excess of 226,000 voting centre on-line search requests and 227,246 telephone calls during the election period. Locations were also advertised in local newspapers during the week prior to the election and major daily newspapers on election day.<sup>688</sup>

Nevertheless, the VEC agreed that other strategies to advertise voting centre locations should be considered. Prior to the 2010 Victorian state election, the VEC is considering sending every elector in Victoria details of their nearest voting centres.<sup>689</sup>

The VEC’s research indicates that electors were dissatisfied with the lack of outdoor signage for voting centres.<sup>690</sup> As a result, the VEC has committed to investigating increasing outdoor signage and will liaise with local councils about signage restrictions.<sup>691</sup> This initiative has the full support of the EMC.

#### Queues

Evidence gathered during the inquiry indicated there were long queues at 35 of the 1,652 voting centres (2%) on election day.<sup>692</sup> Some voters had to

<sup>685</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>686</sup> M Madigan, *Submission No. 2*, p. 1.

<sup>687</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>688</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>689</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>690</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

<sup>691</sup> Victorian Electoral Commission, *Submission No. 20*, p. 116.

<sup>692</sup> Australian Greens (Victoria), *Submission No. 8*, pp. 1-2; M Madigan, *Submission No. 2*, p. 1; Victorian Electoral Commission, *Submission No. 20*, p. 4345; P Ker, “Poll body eyes electronic ballot”, *The Age*, 7 February 2007. Retrieved 15 August 2007 from <http://www.theage.com.au/news/national/poll-body-eyes-electronic-ballot/2007/02/06/1170524094700.html>; A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

queue for up to 20 minutes to receive their ballot papers,<sup>693</sup> while others waited up to one hour.<sup>694</sup> Queues were caused by an unexpected number of votes being cast at some voting centres.<sup>695</sup> The VEC explained that:

In those areas where there were significant queues, it was found that the number of actual votes was greater than the number estimated. This was particularly true in growth areas, as well as areas that were close to major infrastructure such as the Melbourne Town Hall.<sup>696</sup>

Liz Williams, the Deputy Electoral Commissioner of Victoria, provided further information to the EMC at the public hearings:

There were 35 [voting centres] where we missed the mark by about 600 votes or more, which equates to one issuing table.<sup>697</sup>

New voting centres established at the 2006 Victorian state election reported lengthy queues, in particular the Malthouse Theatre voting centre in Southbank (Melbourne). Steve Tully, Electoral Commissioner of Victoria, conveyed the VEC's surprise at the unexpected response by electors to vote at this new centre:

We went into the election when there is no doubt there has been tremendous growth in certain areas of Victoria and there seems to be enormous visitation to the City of Melbourne. That in some cases was well outside of our planning predictions. ... Like at the Malthouse voting centre, that was a new voting centre that was rushed off its feet. Normally when you establish a voting centre it has a slowish take-up. That one was rushed off its feet.<sup>698</sup>

The EMC heard that queues impacted on the voting experience and could potentially affect the outcome of the election.<sup>699</sup> At the public hearing, Alison Clarke, the Party Co-ordinator of the Australian Greens (Victoria), provided anecdotal evidence:

People were waiting sometimes up to an hour, there were long periods, and people were going, "I have to go somewhere else," or, "Maybe I won't bother, I'll risk a fine," and that is obviously not good for democracy and it is not acceptable that some people can go to a polling booth and vote quickly and easily and have enough time to discuss—if they have questions, to discuss those with staff, and then other people are being rushed because there are queues—and it creates inequities.<sup>700</sup>

Licia Kokocinski, Executive Director of ADEC, also explained that long queues at voting centres had significant implications for voters with disabilities. She said:

---

<sup>693</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

<sup>694</sup> Australian Greens (Victoria), *Submission No. 8*, p. 2.

<sup>695</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 3.

<sup>696</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>697</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 17.

<sup>698</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 16.

<sup>699</sup> Australian Greens (Victoria), *Submission No. 8*, p. 2.

<sup>700</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

Some of the other issues that were brought up were that there was a huge number of voters and long waiting lists in many of the booths. In one of them there was 45 minutes. We all know that can happen, but if you have a disability it becomes very problematic, making people who have disabilities wait in long queues.<sup>701</sup>

This was also confirmed by Scope Victoria Limited which noted that people with disabilities can experience pain standing in queues for too long, often without shade.<sup>702</sup>

The EMC discussed a number of potential strategies put forward by stakeholders which may assist in reducing waiting times at future state elections. These included:

- A “flying squad” of election officials who can be sent to voting centres experiencing unexpected demand;<sup>703</sup>
- Employing additional election officials for voting centres in growth areas;<sup>704</sup>
- Transferring election officials who worked at early voting centres to election day voting centres;<sup>705</sup>
- VEC using mapping software and historical data to inform them of the appropriate staffing levels for voting centres;<sup>706</sup> and
- VEC online voting centre search facility to clearly identify for voters “those centres located within the elector’s district and those that are not”.<sup>707</sup>

As identified earlier in Chapter Two, the EMC supports the employment and retention of staff and the sharing of staff between EVCs and election day voting centres.

While the EMC may support the “flying squad” in principle, there may be several logistical and administrative barriers, including utilising “flying squad staff” effectively throughout the election day, ensuring there is sufficient desks and electoral material at each voting centre for such staff, general transportation issues and the probability that voting centres will each have peak demand at the same or similar times.

---

<sup>701</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 3-4.

<sup>702</sup> Scope Victoria Limited, *Disability and the voting booth*, Scope Victoria Limited, 2004. Retrieved 16 October 2007 from [http://www.scopevic.org.au/info\\_1in4poll\\_oct2004.html](http://www.scopevic.org.au/info_1in4poll_oct2004.html).

<sup>703</sup> Australian Greens (Victoria), *Submission No. 8*, p. 2.

<sup>704</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>705</sup> B Saunder, *Submission No. 12*, p. 1.

<sup>706</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>707</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

## Wheelchair access

The EMC received considerable evidence about ageing and physically disabled voters experiencing difficulties voting on election day at the 2006 Victorian state election because they were unable to physically access voting centres. These sources included:

- ADEC;
- Council on the Ageing;
- Rhonda Joseph;
- Scope Victoria Limited; and
- VEC.

Rhonda Joseph, a client support worker for people with disabilities, noted in her submission that lack of wheelchair accessible voting centres meant electors had to vote outside of the voting centre or were discouraged from casting a vote:

People talked about going to a polling booth and having to vote outside on the steps as the booth was not accessible ... [and] one man talked about standing outside in the rain as the place had two steps to get in and he could not draw the attention of anyone to vote, so he went back home and did not vote.<sup>708</sup>

This was not an unusual circumstance. Licia Kokocinski, Executive Director of ADEC provided another example of the difficulties voters and election officials faced when voting centres were not wheelchair accessible:

[ADEC's] staff who voted in the western suburbs—both have disabilities and both have electric wheelchairs—she said they had to wait outside for the staff to come to them because they could not enter the premises. The issue here is about access to polling booths. As I said, both use electric wheelchairs and they are very heavy and cannot be very easily lifted. Originally staff apparently said they would carry the chairs up the steps but they were too heavy. They had to wait for staff to become available to come down to them and take their votes. They had to vote outside the venue. As it would be, it was cold, rainy and windy [on election day].<sup>709</sup>

This is an ongoing issue, as the difficulties people with disabilities experience at voting centres was previously reported by Scope Victoria Limited at the 2004 federal election. People with disabilities found accessing the polling booth was problematic due to a lack of ramps and difficulties in negotiating steps.<sup>710</sup>

---

<sup>708</sup> R Joseph, *Submission No. 27*, p. 1.

<sup>709</sup> L Kokocinski (Executive Director), *Action on Disabilities within Ethnic Communities, Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>710</sup> Scope Victoria Limited, *Disability and the voting booth*, Scope Victoria Limited, 2004. Retrieved 16 October 2007 from [http://www.scopevic.org.au/info\\_1in4poll\\_oct2004.html](http://www.scopevic.org.au/info_1in4poll_oct2004.html).

The VEC also received complaints about the lack of wheelchair accessible voting centres.<sup>711</sup> Out of 1,652 voting centres, the VEC was only able to secure 178 (10%) fully wheelchair accessible venues at the 2006 Victorian state election. Although the VEC consulted widely with disability organisations and conducted an accessibility audit of venues, it noted that the “paucity of wheelchair accessible venues ... continued to be an ongoing concern”.<sup>712</sup>

Other factors may also impact on the VEC’s ability to secure fully wheelchair accessible venues. Julie Nelson, Policy Officer for the Council for the Ageing, felt that the VEC’s reliance on state government facilities such as primary schools was problematic because these facilities did not meet the “changing needs of the local community and older people”.<sup>713</sup>

The EMC encourages the VEC to seek input from a range of relevant stakeholders. The EMC supports the VEC’s continuing dedication to liaise with community and disability organisations and the Department of Education and Early Childhood Development (Victoria) to locate and lease fully wheelchair accessible venues.<sup>714</sup> The EMC also recommends that the VEC liaise with Members of Parliament, Access for All Abilities Co-ordinators and Rural Access/Metro Access Officers to assist with the review, monitoring and acquisition of suitable locations and facilities for voting centres. The All Abilities Co-ordinators and Rural Access/Metro Access Officers would be a useful resource because of their knowledge and authority on disability issues and local areas.

The EMC acknowledges the VEC’s proactive work to date, in particular consulting with disability organisations and providing electors with a list of accessibility rated voting centres in major daily newspapers on election day and local newspapers.<sup>715</sup> Steve Tully requested assistance from the EMC with developing a building program, saying that:

The VEC did many good things in conducting the 2006 state election. For the record, and for balance, I want to recognise the outstanding effort of all staff, particularly my election managers and my head office staff who worked incredible hours over a sustained period. That effort included more effectively reaching out to groups with special access needs, the homeless, indigenous and core groups, and setting new standards for consultation in Australia. Groups were identified and were invited to identify voting centres that were appropriate to their needs. Every single suggestion was looked at. It is a sad fact of life in Victoria that we do not have a lot of facilities at our disposal at election dates that will satisfy the high bar that exists for full disability

---

<sup>711</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 45, 117.

<sup>712</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>713</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>714</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>715</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

access. A building program that could help with that would be much appreciated if that is possible.<sup>716</sup>

The EMC requests the Victorian Government liaise with its federal counterparts to progress the inclusion of the “Disability Standards for Access to Premises” (Premises Standard) which was formulated by the Australian Building Code Board in the *Building Code of Australia 1996*. The Standard has been developed to ensure that the *Building Code of Australia 1996* is aligned with the *Disability Discrimination Act 1992* because as at November 2007 the *Building Code of Australia 1996 (Australian Standard 1428 – Design for access and mobility)* which outlines the basic requirements for physical access to buildings and facilities did not comply with the *Disability Discrimination Act 1992*.<sup>717</sup>

**Recommendation 7.3: The Victorian Electoral Commission continues liaising with community and disability organisations and Victoria’s Department of Education and Early Childhood Development to locate and lease fully wheelchair accessible voting centres for major electoral events.**

**Recommendation 7.4: The Victorian Electoral Commission considers liaising with Members of Parliament, Access for All Abilities Co-ordinators and Rural Access/Metro Access Officers to assist with the review, monitoring and acquisition of suitable locations and facilities for voting centres.**

**Recommendation 7.5: The Victorian Government considers liaising with the Australian Government to progress the inclusion of the “Disability Standards for Access to Premises” (Premises Standard) into the *Building Code of Australia 1996*.**

### Parking and transport

The EMC heard considerable evidence about parking and transport issues associated with attendance voting at the 2006 Victorian state election. Stakeholders who gave evidence included:

- ADEC;
- Council on the Ageing;
- Rhonda Joseph;
- Scope Victoria Limited;
- VALS; and

---

<sup>716</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>717</sup> Australian Building Code Board, *Access for people with a disability*, 2007. Retrieved 11 December 2007 from <http://www.abcb.gov.au/go/whatweredoing/workprogram/projectsae/access>

- Vision Australia.

Anecdotal evidence provided by Julie Nelson explained the difficulties some older persons experienced walking from distant parking spaces to the voting centre. She noted:

Generally I have observed that there are times when people accessing those centres had to walk a great distance in order to get there. I have certainly seen people needing assistance and I do not know how often that might deter people from actually casting a vote, if in fact it is not easily accessible. Lots of people can be quite unsteady and it shakes their confidence if they have to make a journey that is difficult.<sup>718</sup>

Scope Victoria Limited found that people with disabilities reported difficulties with the following:

- Getting to and accessing the polling booth;
- No disabled parking;
- Pain from walking for too long; and
- No disabled parking/accessibility signs.<sup>719</sup>

International research also confirms that the process of travelling to the voting centre can prevent some people from voting such as those with a disability and older persons.<sup>720</sup>

The Electoral Commissioner of Victoria, Steve Tully, expressed his disappointment with the lack of disability parking available at the 2006 Victorian state election:

That is one of the issues before us all the time is disability parking. ... We have to take what we can get. ... It was hard for us to find premises to start with and we have taken what we can get. It is unsatisfactory from that perspective.<sup>721</sup>

While the EMC and stakeholders congratulate the VEC on their disability plan and stringent access audit tool which was introduced in 2006,<sup>722</sup> stakeholders felt that the VEC should include parking and public transport accessibility as part of the audit. The lack of disabled/ACROD<sup>723</sup> parking

<sup>718</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>719</sup> Scope Victoria Limited, *Disability and the voting booth*, Scope Victoria Limited, 2004. Retrieved 16 October 2007 from [http://www.scopevic.org.au/info\\_1in4poll\\_oct2004.html](http://www.scopevic.org.au/info_1in4poll_oct2004.html).

<sup>720</sup> J Enticott, P Grapham & B Lamb, *Polls apart: Disabled people and the 1992 general election*, The Spastics Society, London, 1992; J Enticott, J Minns & N Philpott, *Polls apart 2: Disabled people and the 1992 general election*, Scope, London, 1997; C Turner, *Poll position: A survey of access to polling places, Scottish referendum 1997*, Capability Scotland, Edinburgh, 1999.

<sup>721</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 16.

<sup>722</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>723</sup> ACROD refers to the Australian Council for Rehabilitation of the Disabled.



spaces at early voting and election day voting centres was a concern. The lack of bus parking spaces was also of concern because many older persons and people with a disability were dependent on community transport. Julie Nelson explained that many older persons were dependent on a community bus to transport them to their nearest voting centre:

Many older people do not drive and may not have access to networks that provide transport. Community transport should be provided to ensure that people can reach voting centres.<sup>724</sup>

The EMC is pleased to note that the VEC is investigating these issues as part of its *Disability Action Plan 2008-2011*.

Vision Australia also identified the need to provide community transport for people who are blind or have low vision to attend voting centres, in particular electronic voting centres.<sup>725</sup> The EMC supports the commitment of Vision Australia and other welfare groups which provide community transport for their clients to attend voting centres.

Cathy Basterfield, Speech Pathologist Consultant with Scope Victoria Limited, summed up how important community transport and suitably convenient parking is for people who are wheelchair bound:

Lots of Scope clients are wheelchair bound and they find it very difficult to all go out to the same place at the same time unless they are bussed anywhere. There are limited taxis to take them to places.<sup>726</sup>

The importance of community transport was confirmed by Rhonda Joseph who advised the EMC that some electors with a disability who were not confident travelling to the voting centre on their own and were unable to have someone accompany them did not vote.<sup>727</sup>

The EMC also heard that the financial cost of travelling by taxi to a voting centre which was inaccessible by public or community transport impacted on some electors. Rhonda Joseph noted that:

A lot of people told me they did not vote because it cost them money in a taxi to get to the voting booth.<sup>728</sup>

The EMC understands that it was not only older persons or people with a disability who were disadvantaged by the lack of community transport available to and from voting centres. Greta Clarke explained that community transport may assist Indigenous Victorians participate in the elections. She said:

---

<sup>724</sup> J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>725</sup> Vision Australia, *Submission No. 13*, p. 2.

<sup>726</sup> C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 8.

<sup>727</sup> R Joseph, *Submission No. 27*, p. 1.

<sup>728</sup> R Joseph, *Submission No. 27*, p. 1.

Maybe it is actually providing people with transport, something like the cooperative taking people who do not have a car to a polling station by bus. That happens when community events happen, so why should it not happen when the election is on? That is one way of removing the barrier of lack of public transport and remoteness.<sup>729</sup>

Greta Clarke went further to explain that travelling to the voting centre as a group may also make Indigenous electors feel safe:

If people see other people doing something, and they are safe as well, that is a reassurance as well. But where people are more dispersed they might have no-one to go with to the election.<sup>730</sup>

The EMC views parking and community transport as an important accessibility issue; community transport is the responsibility of community organisations. The EMC recommends the VEC considers including parking and public transport accessibility as part of their access audit.

**Recommendation 7.6: The Victorian Electoral Commission considers including parking and public transport accessibility as part of its access audit for voting centres.**

### Rural voting centres

The EMC gathered evidence about geographical challenges associated with the location of voting centres in rural Victoria. The EMC notes that the VEC received some complaints about the location of voting centres.<sup>731</sup> In addition, The Nationals claimed that rural electorates which are large in size do not have the same access to early voting centres as metropolitan electorates. The Nationals' submission proposed that to ensure country voters are not disadvantaged by the "remoteness of the areas in which they live" and the distance required to travel to vote on election day, voting centres in smaller towns need to be maintained.<sup>732</sup> Luke O'Sullivan, State Director of The Nationals acknowledged that this was not an issue at the 2006 Victorian state election but said that as a political party representing rural and regional Victoria:

We would certainly like to see the committee support a premise of maintaining smaller polling booths in those country electorates.<sup>733</sup>

The EMC recognises the historical tradition of voting in person on election day in Australia and supports the preservation of voting centres in the smaller communities of rural Victoria.

**Recommendation 7.7: The Victorian Electoral Commission considers maintaining voting centres in the smaller communities of rural Victoria.**

<sup>729</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>730</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>731</sup> Victorian Electoral Commission, *Submission No. 20*, p. 45.

<sup>732</sup> The Nationals, *Submission No. 18*, p. 2.

<sup>733</sup> L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

## Multilingual information

The EMC heard evidence about the lack of multilingual printed or audio information available for voters who were not proficient in English. While the VEC stated that all voting centres were provided with brochures with voting instructions in 18 languages other than English, and election officials wore identification stickers so that electors could easily identify them as officials with particular language skills,<sup>734</sup> the ECCV noted a lack of available information in translated languages at voting centres.<sup>735</sup>

The EMC notes that the VEC's aforementioned multilingual instructions and brochures may not be adequately promoted, which may explain electors' lack of awareness of the availability of translated information. The EMC recommends the VEC considers developing a poster in languages other than English informing electors that written electoral information is available in 19 languages. The poster should be displayed at voting centres during the election period.

There were also some concerns regarding the cultural appropriateness and accessibility of written information available at voting centres. Stakeholders informed the EMC that all translated written information should be piloted with community groups to test its reliability, validity and cross-cultural applicability.<sup>736</sup> This is supported by the Victorian Interpreting and Translating Services (VITS) that stated best practice requires that "wherever possible, translations should be checked for their readability and appropriateness in relation to the relevant target group".<sup>737</sup>

The EMC acknowledges that all electors are entitled to meaningful electoral information. Accordingly, it encourages the VEC to validate the appropriateness of their translations with the relevant communities.

**Recommendation 7.8: The Victorian Electoral Commission considers developing a poster in languages other than English informing electors that written electoral information is available in 19 languages. The poster should be displayed at all voting centres during the election period.**

## Albert Park District and Williamstown District by-elections

There were 26 by-election day voting centres in Albert Park District (11) and Williamstown District (15). The majority of voting centres were situated in schools, town halls and community centres.<sup>738</sup>

---

<sup>734</sup> Victorian Electoral Commission, *Submission No. 20*, p. 31.

<sup>735</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3.

<sup>736</sup> Ethnic Communities' Council of Victoria, *Submission No. 4*, p. 3; L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>737</sup> Victorian Interpreting & Translating Service, *We speak your language: A guide to cross-cultural communications*, Victorian Interpreting & Translating Service, Melbourne, No date, p. 23.

<sup>738</sup> Victorian Electoral Commission, *Submission No. 28*, p. 13.

## Wheelchair access

The EMC was told that the VEC had significant difficulties locating buildings which were fully wheelchair accessible for these by-elections. In the district of Albert Park, no “fully wheelchair accessible” venues were available, however 10 out of the 11 buildings used as voting centres on by-election day were rated as “assisted wheelchair access”. In the Williamstown District, two voting centres were rated as “fully wheelchair accessible”, seven were “assisted wheelchair access” and six had no wheelchair access. The VEC’s submission emphasised their ongoing concern with the lack of fully wheelchair accessible voting centres for lease.<sup>739</sup>

The EMC was advised of a proposal to increase the number of wheelchair accessible venues in Victoria. Before the 2008 local council elections, the VEC will liaise with relevant government departments about the possibility of a review and refit of relevant public buildings.<sup>740</sup>

The EMC supports this proposal and encourages the VEC to increase the number of fully wheelchair accessible voting centres for the 2010 Victorian state election.

## Parking

The VEC informed the EMC that it had negotiated with the local council to organise a temporary disabled car park bay outside the Albert Park by-election office.<sup>741</sup>

The EMC notes that a lack of suitable parking at voting centres is of ongoing concern for the VEC.

# Voting

## Voter participation trends

Voter participation in Victorian state elections was addressed as part of this inquiry. The voter turnout at the 2006 Victorian state election (Legislative Assembly) was 92.73% of enrolled electors. Within Victoria, voter turnout was lowest in inner suburban districts such as Melbourne (84.84%) and Prahran (84.97%). The VEC suggested that highly mobile populations contributed to the low participation rates. The highest voter participation rates were recorded in some country districts including Macedon (94.78%) and Lowan (94.74%). Voter participation for the Legislative Council was lowest in the Southern Metropolitan region (90.24%) and highest in the Eastern Metropolitan region (93.99%).<sup>742</sup>

<sup>739</sup> Victorian Electoral Commission, *Submission No. 28*, p. 13.

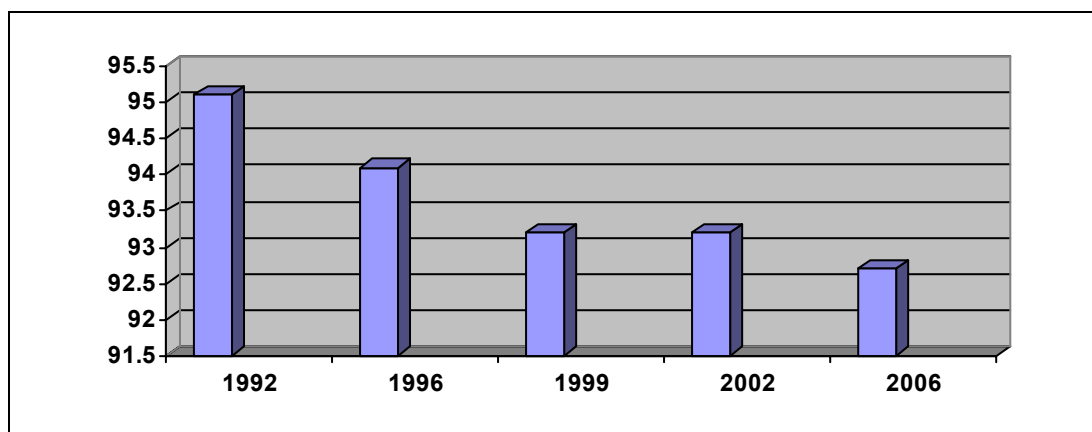
<sup>740</sup> Victorian Electoral Commission, *Submission No. 28*, p. 13.

<sup>741</sup> Victorian Electoral Commission, *Submission No. 28*, p. 13.

<sup>742</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 88-90.

The EMC heard that since the 1992 Victorian state election, voter participation has declined by 2.4% from 95.1% to 92.73% at the 2006 Victorian state election.<sup>743</sup> The following graph illustrates this decline.

**Figure 7.1: Participation rates for Victorian state elections – 1992-2006**



Source: Victorian Electoral Commission, *Submission No. 20*, p. 2.

In discussions at the public hearings between EMC member Robin Scott MP and Steve Tully, the EMC heard that voter participation rates are affected by the geographical and residential mobility of electors.

Mr Scott—Just an issue in regards to voter participation, I note there was a significant variation between the assembly districts between participation of people on the roll who voted and particularly in the number of inner city seats—Albert Park, Melbourne, Malvern and Richmond. There was a significantly lower participation by voters which occurred. An anecdotal reason that it occurred—it has been said to me—was that there was a potentially more transient population in the inner city of students and people like this, hence the electoral roll may not be as up to date as some other areas. Would you have any other explanation for that variation?

Mr Tully—... I think it is a matter of mobility that they are where the units and the high-rise apartments are and that it is a transient and mobile population, particularly within there, and it is hard to catch them at home on election day or in the election period. Notoriously you will find that those electorates have a relatively low participation rate and that would be reflected in similar seats in other states. For example Adelaide in South Australia would have the same issues with students and transient population.<sup>744</sup>

Steve Tully explained that public momentum for political change also affects voter participation rates. He said:

If you look at those statistics you might well see that the high points [increased voter participation rates] are when the Kirner government was replaced and then again perhaps when the Kennett government was replaced. It is certainly true at federal

<sup>743</sup> Victorian Electoral Commission, *Submission No. 20*, p. 2.

<sup>744</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 14.

level as well that when there is a sense of a change or a mood for change you will get higher participation rates.<sup>745</sup>

## The “three month rule”

To qualify to vote in Victoria, electors are required to satisfy the “three month rule”. The “three month rule” as stated in the *Electoral Act 2002* uses the elector’s principal residence, three months prior to the election day, as a measure of the elector’s entitlement to vote. The provisions stipulate that:

A person is entitled to vote in an election ... if the person—

in the case of an elector enrolled under section 22(1), is enrolled in respect of the address of the person's principal place of residence or the address of the place that was the person's principal place of residence during the period of 3 months immediately before election day.<sup>746</sup>

New South Wales and Western Australian legislation requires electors to fulfil requirements in relation to length of residence in the electorate/district/division prior to being qualified to vote.<sup>747</sup> This is not the case in state elections in South Australia or for federal elections, in which cases electoral legislation does not stipulate a period of time in which an elector must reside in their principal place of residence.<sup>748</sup>

The VEC notes 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”.<sup>749</sup> The EMC also understands that the “three month rule” provides candidates with some protection from electors who may move into marginal districts or regions prior to an election with the primary intent to affect the electoral outcome.

However the EMC was informed that the “three month rule” was a barrier to electoral participation. At the 2006 Victorian state election it was estimated that approximately 10,000 people were affected by this rule and denied a vote.<sup>750</sup> It has also been noted elsewhere that electoral legislation which ties voting entitlement to length of residence may undermine the rights of electors to vote.<sup>751</sup>

The EMC was concerned about the impact of the “three month rule” on the Victorian franchise, especially in light of the fact that Victoria has a highly mobile population. The VEC stated in its submission that:

<sup>745</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 14.

<sup>746</sup> *Electoral Act 2002* s 87(1)(c).

<sup>747</sup> *Electoral Act 1907* s 119(1)(c); *Parliamentary Electorate and Elections Act 1912* s 99(1)(b).

<sup>748</sup> *Electoral Act 1985* s 72(1)(a); *Commonwealth Electoral Act 1918* s 229(1).

<sup>749</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>750</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>751</sup> H Lardy, "Citizenship and the right to vote", *Oxford Journal of Legal Studies*, vol. 17, no. 1, 1997, pp. 75-100; H Lardy, "Democracy by default: The representation of the People Act 2000", *The Modern Law Review*, vol. 64, no. 1, 2001, pp. 63-81.

An Australian Bureau of Statistics survey shows that 28.8% of adult Victorians change address over three years. This mobility is concentrated in younger age groups, with 41.8% of 18-24 year olds and 52.7% of 25-34 year olds moving in three years. These moves tend to be quite short in distance. Of people moving within Victoria, 76.2% move less than 20 kilometres, and 37.6% move less than 5 kilometres.<sup>752</sup>

In addition, the EMC also heard that the “three month rule” may disadvantage people who are unemployed and mentally ill.<sup>753</sup>

The VEC was also concerned about the “inconsistent administration of the three month rule”.<sup>754</sup> For example, VEC brochures and materials state the following populations are exempt from the rule: young people who are temporarily living away from home, people who live at two addresses, people living in aged care accommodation who intend to return to their enrolled address, and itinerant and silent electors.<sup>755</sup>

The VEC suggests that possible solutions for facilitating voter participation and removing the inconsistent administrative rules includes the abolition of the “three month rule” or allowing electors who have changed residence and remained within the same electorate (but not updated their enrolment details) to vote.<sup>756</sup>

While the EMC accepts that the “three month rule” disadvantages some electors, the EMC also notes that further discussion is required about ways to ensure consistent administration of the “three month rule” and alternatives to the abolition of the “three month rule”. In this report, the EMC has provided preliminary commentary on the issue with the aim of examining the “three month rule” more fully in its inquiry into voter participation and informal voting.

## Postal voting

### 2006 Victorian state election

The EMC recognises that postal voting is popular among electors who are elderly, or disabled, or unable to cast a ballot at a voting centre on election day.<sup>757</sup>

The VEC processed 226,170 applications for postal votes for the 2006 Victorian state election compared with 201,243 for the 2002 Victorian state election.<sup>758</sup>

---

<sup>752</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>753</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>754</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>755</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>756</sup> Victorian Electoral Commission, *Submission No. 20*, p. 123.

<sup>757</sup> R Joseph, *Submission No. 27*, p. 1.

<sup>758</sup> Victorian Electoral Commission, *Submission No. 20*, p. 29.

The Electoral Commissioner of Victoria, Steve Tully said one reason for this increase was the simplification of eligibility to apply for a postal vote:

Any elector unable to attend a voting centre on election day is able to apply for a ... postal vote.<sup>759</sup>

He also explained that legislation was amended to allow electors aged 70 years of age and over to apply to be a registered GPV. This legislative change has contributed to an increase in registered postal voters from 31,243 in 2002 to 41,722 in 2006. Steve Tully noted that this “immediately increased the postal vote distribution quite significantly”.<sup>760</sup> The VEC also conducted a state-wide mail out to senior citizen centres in Victoria in September 2006 advising that electors aged 70 years and over may apply to be a registered GPV.<sup>761</sup>

In addition, electors may apply to be a postal voter when they have “busy work and life schedules” which may not enable them to attend a voting centre on election day.<sup>762</sup>

The Electoral Commissioner also commented on the contribution of registered political parties in distributing postal vote application forms. He said:

I think that the political parties have become quite sophisticated in wallpapering the state with postal vote application forms when they are doing their campaigning and that many people have latched onto that and thought that they would deal with their voting obligations through a postal vote.<sup>763</sup>

The EMC notes that postal voters’ satisfaction with postal voting has declined since the 2002 Victorian state election. Respondents rated their satisfaction of being provided with the appropriate ballot papers at 83% compared with 92% at the previous state election.<sup>764</sup> Other reasons for dissatisfaction with postal voting include the witness provisions on the application form,<sup>765</sup> the implications of which are discussed in Chapter Nine.

## **Albert Park District and Williamstown District by-elections**

The VEC processed 6,194 postal vote applications for the Albert Park District (3,471) and the Williamstown District (2,723) by-elections. Compared with the 2006 Victorian state election, which recorded 4,802 postal vote

---

<sup>759</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>760</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>761</sup> Victorian Electoral Commission, *Submission No. 20*, p. 29.

<sup>762</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>763</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>764</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

<sup>765</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 28-29.



applications for these districts, the number of postal vote applications increased by 1,392.<sup>766</sup>

## Early voting

### 2006 Victorian state election

In total, 255,161 people made use of EVCs and cast their votes prior to election day compared with 163,712 at the 2002 Victorian state election.<sup>767</sup>

Early voting in person is becoming an increasingly preferred method of voting, as recognised in evidence gathered from the Liberal Party (Victorian Division) and The Nationals.<sup>768</sup> The VEC confirmed this, reporting that early voting in person had increased by 45% since the 2002 Victorian state election.<sup>769</sup> The most common reason for its increasing popularity was that electors were unable to attend a voting centre in their electorate because of work commitments or holiday plans.<sup>770</sup>

The EMC notes the increase in early voting at the 2006 Victorian state election. The Electoral Commissioner of Victoria said one reason for this increase is the mobility of the Victorian population:

One of the major reasons is the mobility of the electorate. There are far more Australians overseas visiting, far more people interstate. There are people who have busy work and life schedules and that is reflected in not being in the electorate on election day.<sup>771</sup>

In discussions with the Electoral Commissioner, EMC member Peter Hall MLC pointed out that casting your vote at an early voting centre is convenient for many electors:

It boils down to a convenience factor. People go there to avoid the queues on election day and the great hassle of election day.<sup>772</sup>

The EMC anticipates that the preference of voters to vote early may increase, especially given the majority of early voters surveyed by the VEC reported their voting experience was satisfactory or extremely satisfactory.<sup>773</sup>

---

<sup>766</sup> Victorian Electoral Commission, *Submission No. 28*, p. 12.

<sup>767</sup> Victorian Electoral Commission, *Submission No. 20*, p. 27.

<sup>768</sup> Liberal Party of Australia (Victorian Division), *Submission No. 11*, p. 1; L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>769</sup> Victorian Electoral Commission, *Submission No. 20*, p. 27.

<sup>770</sup> Victorian Electoral Commission, *Submission No. 20*, p. 27; L O'Sullivan (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>771</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>772</sup> Peter Hall MLC cited in S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>773</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

## Albert Park District and Williamstown District by-elections

In total, 6,920 people made use of EVCs and cast their vote prior to the day of the by-elections. This comprised 3,571 electors enrolled in the Albert Park District and 3,349 enrolled in the Williamstown District. The number of voters who attended an early voting centre had increased by 1,711 since the 2006 Victorian state election (4,192 in Albert Park District and 1,017 in Williamstown District).<sup>774</sup>

## Mobile voting

### 2006 Victorian state election

The EMC did not receive any evidence regarding the number of votes cast at mobile voting centres.

## Albert Park District and Williamstown District by-elections

A total of 163 voters, 54 in the Albert Park District and 109 in the Williamstown District, voted at a mobile voting centre during the early voting period of two weeks prior to the election. Mobile voting centres visited aged care facilities, hostels and hospitals.<sup>775</sup>

## Absent voting

### 2006 Victorian state election

In total, 199,517 absent votes were cast on election day compared with 230,576 at the 2002 Victorian state election.<sup>776</sup> Although absent voting has decreased since the 2002 Victorian state election, the process of casting an absent vote has become easier. At the 2006 Victorian state election for the first time, absent voters who attended a voting centre which had an electronic copy of the electoral roll (e-centres and airport voting centres) did not have to complete a declaration form.<sup>777</sup>

The majority of absent voters surveyed by the VEC were satisfied with the voting experience.<sup>778</sup>

## Albert Park District and Williamstown District by-elections

The EMC did not receive any evidence regarding the number of absent votes cast at the by-elections.

---

<sup>774</sup> Victorian Electoral Commission, *Submission No. 28*, p. 11.

<sup>775</sup> Victorian Electoral Commission, *Submission No. 28*, p. 12.

<sup>776</sup> Victorian Electoral Commission, *Submission No. 20*, p. 30.

<sup>777</sup> Victorian Electoral Commission, *Submission No. 20*, p. 19.

<sup>778</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

## Homeless voting

The EMC received evidence from Hanover Welfare Services about the voter participation level of Victorians who were experiencing homelessness at the time of the 2006 Victorian state election. The evidence was based on a survey of 230 Hanover clients conducted just after the 2006 Victorian state election. Of those 208 clients who were eligible to vote in the election, only 40% (84) voted, and those were more likely to be female and living in transitional housing or receiving other support. One explanation provided by Hanover Welfare Services for the low voting turnout for men who were experiencing homelessness was that “men were less engaged in the broader community and perhaps more transient than women”.<sup>779</sup>

Nevertheless, Dr Andrew Hollows, Research and Development Manager with Hanover Welfare Services, said that mobile voting centres visiting crisis centres can circumvent difficulties clients experiencing homelessness face with voting at the state election:

It might sound odd for us but sometimes on the day it is too hard—if you have other stuff in your life—to remember, yes. You need to go down to wherever you vote on the day, and people are standing in a queue and stuff like that. Again, we are confident that some quite practical measures in the crisis centres can hopefully increase the level of participation on the day.<sup>780</sup>

For example, 68 votes were cast at a mobile voting centre established at St Mary’s House of Welcome in Fitzroy.<sup>781</sup>

Hanover Welfare Services requested the EMC to consider recommending the expansion of mobile voting centres to crisis accommodation including Hanover’s Crisis Centres (Southbank & Dandenong), Salvation Army Flagstaff Crisis Accommodation Centre (West Melbourne), Ozanam House (North Melbourne), Sacred Heart Mission (St Kilda), and Sisters of Charity (Fitzroy) among others.<sup>782</sup> Finally, Hanover Welfare Services welcomed the relationship between the VEC, the Homeless Persons Legal Clinic and the Council to Homeless Persons Victoria in planning for future Victorian state elections.<sup>783</sup>

The EMC suggests the VEC considers expanding mobile voting services to increase participation of people who are experiencing homelessness at the 2010 Victorian state election.

---

<sup>779</sup> Hanover Welfare Services, *Submission No. 3*, p. 3.

<sup>780</sup> A Hollows (Research and Development Manager), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>781</sup> Victorian Electoral Commission, *Submission No. 20*, p. 35.

<sup>782</sup> T Keenan (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6; A Hollows (Research and Development Manager), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>783</sup> Hanover Welfare Services, *Submission No. 3*, p. 2.

**Recommendation 7.9: The Victorian Electoral Commission considers expanding mobile voting services for people experiencing homelessness at the 2010 Victorian state election.**

## Assisted voting

The EMC received considerable evidence about assisted voting from many organisations including:

- ADEC;
- ECCV;
- Scope Victoria Limited;
- Rhonda Joseph;
- VALS; and
- Vision Australia.

The EMC heard that voters with a disability, voters with literacy difficulties, and non-English speaking voters, especially those with strong oral traditions, often require assistance with voting.<sup>784</sup>

Despite this, the EMC received information that at the 2006 Victorian state election some electors experienced difficulties receiving support from election officials in casting a vote. Rhonda Joseph, a support worker for people with disabilities, said that:

People talked about going to a polling booth and having to vote outside on the steps as the booth was not accessible, they talked about the staff at the polling booth not helping them to cast a vote, people were told they could not vote if they could not speak their choice (even though they had a communication board or a voice output device), one man talked about standing outside in the rain as the place had 2 steps to get in and he could not draw the attention of anyone to vote, so he went back home and did not vote. All of these experiences were from the past few years not long, long ago.<sup>785</sup>

Greta Clarke, Research Officer with VALS, indicated that election officials need to make it clear to voters that they are available to assist voters. She advocated the VEC to:

---

<sup>784</sup> R Joseph, *Submission No. 27*, p. 1; L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3; G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 5.

<sup>785</sup> R Joseph, *Submission No. 27*, p. 1.

[C]ater better for people with literacy difficulties, and in particular make it clear that they can receive assistance. I think there is a lack of clarity about that.<sup>786</sup>

Another aspect raised at the public hearings was the potential for elector intimidation by family members who assist electors to vote. Licia Kokocinski, Executive Director of ADEC, noted that:

What we found and what has been reported back to me by our facilitators is that many people will go with their family members and they will say, "I will help you vote," and they will just vote according to how the family member tells them, rather than how they really believe they want to vote. There is an issue here about whether they are voting in the way they want to vote or whether they are voting because they have been advised by family members.<sup>787</sup>

The EMC supports moves to improve election officials' assistance to voters who require help completing a ballot paper.

## Interstate and overseas voting

### 2006 Victorian state election

A total of 10,805 votes were cast at interstate and overseas EVCs for the 2006 Victorian state election.<sup>788</sup> Despite an increase in the number of electors casting a vote from outside Victoria (24% increase compared with the 2002 Victorian state election (8,205)),<sup>789</sup> the VEC reported that some eligible electors were unable to vote at the 2006 Victorian state election. The VEC's submission noted that:

The VEC did experience difficulties with voting services at some overseas voting centres. This included material being delayed in Customs, and the lack of training for some consular election officials. Information technology opportunities to assist in relaying materials will be pursued in the future, as well as the appointment of better trained staff at particular centres.<sup>790</sup>

This was expanded upon at the public hearing by Steve Tully:

In America, we were caught with transporting materials into the country. The security arrangements that you have to jump to get your material to an embassy or a voting place in Washington is enormous. They were looking at our boxes not knowing what they were. That was an issue for us that we thought would be a lot easier than it was. ... We [also] run into Thanksgiving at a critical time, so they [embassy] are not open.<sup>791</sup>

---

<sup>786</sup> G Clarke (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

<sup>787</sup> L Kokocinski (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>788</sup> Victorian Electoral Commission, *Submission No. 20*, p. 4.

<sup>789</sup> Victorian Electoral Commission, *Submission No. 20*, p. 28.

<sup>790</sup> Victorian Electoral Commission, *Submission No. 20*, p. 116.

<sup>791</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 20.

As a result, approximately 4,000 overseas votes were not received by the VEC in time to be counted.<sup>792</sup>

The VEC received three complaints from electors who were unable to vote at an overseas voting centre on the advertised dates due to the delivery delays.<sup>793</sup>

The EMC expresses concern regarding the 4,000 electors whose votes were unable to be counted and encourages the VEC to liaise with Australian embassies overseas, particularly in the USA, to develop workable procedural guidelines for future state elections which will facilitate the timely delivery of election materials.

**Recommendation 7.10: The Victorian Electoral Commission considers liaising with Australian embassies overseas, particularly in the United States of America, to progress workable procedural guidelines for future state elections which will facilitate the timely delivery of election materials.**

### Albert Park District and Williamstown District by-elections

A total of 76 votes were cast at interstate and overseas EVCs for the Albert Park District and Williamstown District by-elections. This number is significantly lower than the 239 votes cast for the districts at the 2006 Victorian state election.<sup>794</sup>

### Ordinary voting

The majority of electors who cast a vote on election day in their electorate were satisfied or extremely satisfied with their voting experience. Those satisfied indicated that their voting experience was fast with no excessive waiting time, and the voting centre was organised and had helpful staff. Those electors who were dissatisfied with their voting experience indicated lengthy waiting periods and lack of staff at the voting centre, and difficulties locating the voting centre,<sup>795</sup> as discussed earlier in this chapter.

### Fraudulent voting

Under current electoral arrangements, it is possible for electors to vote more than once, vote under assumed names or to impersonate another voter.<sup>796</sup>

---

<sup>792</sup> P Ker, "Poll body eyes electronic ballot", *The Age*, 7 February 2007. Retrieved 15 August 2007 from <http://www.theage.com.au/news/national/poll-body-eyes-electronic-ballot/2007/02/06/1170524094700.html>.

<sup>793</sup> Victorian Electoral Commission, *Submission No. 20*, p. 46.

<sup>794</sup> Victorian Electoral Commission, *Submission No. 28*, p. 12.

<sup>795</sup> Victorian Electoral Commission, *Submission No. 20*, p. 43.

<sup>796</sup> Parliament of Australia, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Tony Smith MP, Chair), Canberra, 2005, p. 135.

This potential for fraudulent voting was raised by the HS Chapman Society.<sup>797</sup>

The Society proposed barcoding methodology as a way of combating this problem. The Society listed the following as advantages of barcoding:

- Eliminating multiple voting in same and different names;
- Saving on printing multiple electoral rolls for each booth;
- Improving voting scrutiny and auditing; and
- Time-saving i.e. less queues; finding names in bulky rolls, especially names in tiny fonts.<sup>798</sup>

The EMC examined the proposal of issuing every elector with a voter's card with an encrypted alphanumeric bar code which includes the voter's birth date. Amy McGrath, former President and member of the HS Chapman Society, indicated that the voter card would assist in the prevention of fraud at the voting centre.<sup>799</sup> However, the following issues were not addressed to the EMC's satisfaction:

- The voter's card may be vulnerable to fraudulent practices during the delivery process;
- The financial costs associated with the production and distribution of voter cards at each election;
- The procedures if the voter's card is mislaid or lost;
- The potential for the voter's card to be used for other purposes of identification which may encourage fraudulent behaviour; and
- The electorates' attitudes towards an identification card (i.e. public displeasure with the proposed Australia Card in the 1980s).<sup>800</sup>

While there is no evidence of widespread electoral fraud in Australia,<sup>801</sup> the EMC regards any fraudulent behaviour as a threat to democratic processes and has the potential to affect the electoral outcome.

---

<sup>797</sup> A McGrath (Life Member and Former President), HS Chapman Society, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

<sup>798</sup> A McGrath (Life Member and Former President), HS Chapman Society, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>799</sup> A McGrath (Life Member and Former President), HS Chapman Society, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>800</sup> These issues were raised in CA Hughes, "The illusive phenomenon of fraudulent voting practices: A review article", *Australian Journal of Politics and History*, vol. 44, no. 3, 1998, pp. 471-491.

<sup>801</sup> CA Hughes, "The illusive phenomenon of fraudulent voting practices: A review article", *Australian Journal of Politics and History*, vol. 44, no. 3, 1998, pp. 471-491; Australian Electoral Commission,

The VEC advised that incidents of multiple voting are detected when the list of the names of those who voted are scanned post-election. Any elector who is marked as having voted more than once is investigated. At the completion of the apparent multiple voter follow-up from the 2006 Victorian state election, 91 voters admitted to having voted more than once. These voters were “cautioned and advised that if they voted more than once at future elections prosecution action would be taken”.<sup>802</sup>

The EMC was informed that serious electoral offences have been indictable since the 2002 Victorian state election. This meant that the VEC may investigate and prosecute offenders of fraudulent voting including multiple voting, voting under an assumed name or impersonation.<sup>803</sup> The EMC acknowledges that the VEC thoroughly investigated fraudulent voting practices at the 2006 Victorian state election. The EMC expects the VEC to remain vigilant to ensure fraudulent voting is minimised at future state elections. The EMC notes the importance of the VEC enforcing those sections of the *Electoral Act 2002* which prescribes the penalty for voting offences.

## Voting enforcement

At the 2006 Victorian state election the VEC recorded that 421,700 electors did not vote. This represents 2% of enrolled electors.<sup>804</sup> Once the VEC excluded those electors who provided a valid excuse for not voting, the VEC issued a total of 146,891 Apparent Failure to Vote notices. A total of 74,651 non-voters who did not provide a valid response or did not respond were then sent an Infringement notice, whereby the non-voter was fined half a penalty unit (at the time it was \$54).<sup>805</sup> In November 2007, 47,409 apparent non-voters' records were lodged with the Infringements Court; these electors had not provided an acceptable excuse for not voting or had not responded to the notices. The VEC advised that “to date, 5,897 matters have been resolved, nine of these in court, and 41,512 records are still outstanding”.<sup>806</sup>

For the Albert Park District and Williamstown District by-elections, the VEC issued 13,309 Apparent Failure to Vote notices: 9,720 for the Albert Park District and 3,589 for the Williamstown District. The penalty for not voting at the by-elections had increased to \$55.<sup>807</sup> Figures for stage 2 and 3 notices were not available at the time this report was tabled in Parliament.

---

*Electoral backgrounder 14: Electoral fraud and multiple voting*, 2001. Retrieved 13 December 2007 from [http://www.aec.gov.au/About\\_AEC/Publications/Backgrounders/no\\_14.htm](http://www.aec.gov.au/About_AEC/Publications/Backgrounders/no_14.htm).

<sup>802</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>803</sup> Victorian Electoral Commission, *Submission No. 20*, p. 20.

<sup>804</sup> Victorian Electoral Commission, *Submission No. 20*, p. 41.

<sup>805</sup> Victorian Electoral Commission, *Submission No. 20*, p. 41.

<sup>806</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 4 June 2007.

<sup>807</sup> Victorian Electoral Commission, *Submission No. 28*, p. 20.



In the VEC's *Report into the Albert Park District and Williamstown District by-elections* the VEC requested the Parliament consider the following:

- Review the penalty for not voting at a state election or by-election; and
- The appropriateness of the current non-voter follow-up arrangements and the penalty quantum.<sup>808</sup>

The VEC argued that since the introduction of the *Infringements Act 2006*, it has been heavily burdened managing the process of non-voter follow-up.<sup>809</sup> In particular, non-voter follow-up has become a lengthier and more complicated process, which has significantly increased the VEC's administrative costs.<sup>810</sup> The following table summarises the increasing cost to the VEC since the introduction of the *Infringements Act 2006*.

**Table 7.1: Summary of costs associated with non-voter follow-up**

| Item              | Cost for state election (pre <i>Infringements Act 2006</i> ) | Cost for state election ( <i>Infringements Act 2006</i> ) |
|-------------------|--|---|
| Postage           | \$0.00   | \$5,195.20  |
| Rent              | \$51,200.00  | \$67,200.00   |
| Staffing          | \$150,362.75   | \$267,003.98  |
| Total at 30/12/07 | \$201,562.75   | \$339,399.18  |

Source: Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 10.

The VEC indicated that they were unaware of the administrative impact of the inclusion of non-voting in the *Infringements Act 2006*:

At the time this determination was made, the VEC was not aware of the impact of this process on the VEC and its personnel. The VEC's understanding was that once the court file had been provided to the Infringements Court they would take over responsibility for process and outcome. This however is not the case.<sup>811</sup>

After the 2006 Victorian state election, the VEC unexpectedly discovered that they were required to provide the following services:

- Review enforcement orders returned by the Infringements Court for determination;

<sup>808</sup> Victorian Electoral Commission, *Submission No. 28*, p. 26.

<sup>809</sup> The VEC currently administers eight non-voter programs.

<sup>810</sup> Victorian Electoral Commission, *Submission No. 28*, p. 26; Impact of Infringements Act 2006 on non-voter follow up in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, pp. 5, 20.

<sup>811</sup> Impact of Infringements Act 2006 on non-voter follow up in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 11.

- Maintain a telephone enquiry service to deal with queries arising from the enforcement orders where non-voters call the VEC instead of the court;
- Provide the Infringements Court daily with a list of orders to be revoked; and
- Represent the VEC when attending the various Magistrate Courts across Victoria when matters are being held.<sup>812</sup>

The EMC is cognisant of these complex issues and will examine this matter in further detail as part of its inquiry into voter participation and informal voting.

---

<sup>812</sup> Impact of Infringements Act 2006 on non-voter follow up in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 11.



---

## Chapter Eight: Electronic voting

This chapter considers issues that were raised throughout the inquiry that relate to electronic voting. The EMC has identified the key issues and made recommendations to improve the administration of electronic voting.

### Electronic voting at the 2006 Victorian state election

#### Background

In 2005 the Parliament of Victoria's Scrutiny of Acts and Regulations Committee (SARC) inquired into electronic democracy. SARC made 90 recommendations and 11 of these recommendations were relevant to enrolling, voting and counting of votes. SARC recommended (Recommendation 53) that a system of electronic voting machines be developed and introduced for local and general elections in Victoria. The report noted verbatim that these machines should:

- Permit the casting of a private, unassisted vote for the blind, those Victorians with limited vision, and Victorians with low levels of English literacy;
- Provide the same voting instructions as appear on the ballot paper in a range of languages other than English;
- Produce a voter verifiable paper trail to be retained by electoral officials;
- Allow for the electronic tabulation of votes cast; and
- Be restricted to a closed local area network under the complete physical control of electoral officials.<sup>813</sup>

In July 2006, when the *Electoral Act 2002* was amended, section 110D of the Act restricted electronic voting to "electors who because of a visual impairment can not otherwise vote without assistance".<sup>814</sup> This meant that the print disabled community which includes people with low levels of literacy or people living with other disabilities, were excluded from being able

---

<sup>813</sup> Parliament of Victoria, *Victorian electronic democracy: Final report*, Scrutiny of Acts and Regulations Committee, (Lily D'Ambrosio MLA, Chair), Melbourne, 2005, p. 127.

<sup>814</sup> *Electoral Act 2002* s 110.

to vote electronically at state elections. Furthermore, there are no electronic voting provisions for local council elections pursuant to the *Local Government Act 1989* and the *City of Melbourne Act 2001*.

## Software and technology

The VEC's submission describes the steps the VEC followed to develop the e-voting software.<sup>815</sup>

In May 2005, the VEC advertised a tender for electronic voting. According to the VEC's submission, "rather than specifying a particular model for electronic voting, the VEC asked all tenderers to recommend and explain the model that they considered most appropriate".<sup>816</sup> A partnership between Hewlett Packard and ScytI Secure was eventually contracted to develop the software.<sup>817</sup>

The EMC notes that the VEC consulted with representatives from Vision Australian, Scope Victoria Limited, the Victorian Interpreting and Translation Service, Blind Citizens Australia, and the Western Region Disability Network during development of the electronic voting system. The EMC further acknowledges that the VEC secured the services of BMM Test Labs to independently test and certify the voting software,<sup>818</sup> and the results of the auditor's report into the software as described in Chapter Six of the *Report to Parliament*.<sup>819</sup>

The VEC implemented a system of non-networked voting kiosks at six "e-centres" throughout Victoria. The centres were located at the Ballarat Vision Centre Australia, Heidelberg Leisure Centre, Kooyong Vision Australia Centre, Melbourne Town Hall, Shepparton Vision Australia Centre, and the Warragul Vision Australia Centre.<sup>820</sup>

According to the VEC, the kiosks were:

[R]egular, previously unused PCs with a number of attachments. Instructions and candidate names were displayed on a touch-screen and read through headphones playing pre-recorded audio files. Users could choose from two text sizes and have the text either "black on white" or "white on black". For electors with sufficient vision, options could be selected and voting preferences entered by simply touching the touch-screen.<sup>821</sup>

The VEC explained the following points about the software:

---

<sup>815</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 65-75.

<sup>816</sup> Victorian Electoral Commission, *Submission No. 20*, p. 67.

<sup>817</sup> Victorian Electoral Commission, *Submission No. 20*, p. 67.

<sup>818</sup> The VEC implemented a process of user acceptance testing in August 2006, after which it released the software to BMM Testlabs. See Victorian Electoral Commission, *Submission No. 20*, p. 67.

<sup>819</sup> For the results of the auditor's report into the security of the system see Victorian Electoral Commission, *Submission No. 20*, p. 67.

<sup>820</sup> Victorian Electoral Commission, *Submission No. 20*, p. 70.

<sup>821</sup> Victorian Electoral Commission, *Submission No. 20*, p. 68.

- That vision-impaired electors could move a cursor around the screen to cast their vote;
- That the software was available in 12 languages, including English, but that this feature was disabled because the trial was restricted by legislation to voters who had a vision-impairment; and
- Electors could vote either using a touch-screen or by a 19-key keypad.<sup>822</sup>

## Voters' experience of electronic voting

Electronic voting was trialled at the 2006 Victorian state election. It was the first time voters with a vision impairment could vote independently.<sup>823</sup> The event was reported by the media,<sup>824</sup> as was electronic voting at the 2007 federal election.<sup>825</sup>

The EMC received evidence from Vision Australia, the largest blindness and low vision agency in Australia, about the experience blind and vision-impaired voters had with electronic voting at the 2006 Victorian state election. These experiences were very positive and Vision Australia's submission highlighted the significance of electronic voting for the vision-impaired community:

[I]t was the first time in their lives that they had the opportunity to vote independently as a person who is vision impaired.<sup>826</sup>

Maurice Gleeson, Policy and Advocacy Officer for Vision Australia, spoke of his own experience of voting electronically. He said:

On a personal level my own experience was that the procedure was very streamlined and simple to execute – acknowledging that there is still some fine tuning to be undertaken e.g. to make the voting machine more user friendly. I found the issuing

<sup>822</sup> Victorian Electoral Commission, *Submission No. 20*, p. 69.

<sup>823</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>824</sup> S Rossi, "Victoria the first to cast e-vote in a state election: Pilot begins today", *Computerworld: The Voice of IT Management*, 13 November 2006. Retrieved 15 August 2007 from <http://www.computerworld.com.au/index.php/id;1353237299;fp;4194304;fpid;1>; L Timson, "Victoria puts blind faith in electronic voting", *The Age*, 14 November 2006. Retrieved 15 August 2007. from <http://www.theage.com.au/news/technology/victoria-puts-blind-faith-in-electronic-voting/2006/11/13/1163266481851.html?page=fullpage#contentSwap2>.

<sup>825</sup> ABC News, "New IT to help visually impaired people vote", *ABC News*, 1 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/01/1994294.htm>; ABC News, "New technology delivers secret vote to blind", *ABC News*, 15 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/15/2005708.htm>; J Macey, "E-voting to be rolled out for election", *ABC News*, 15 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/15/2005989.htm>; No author, "Aid for blind voters", *Herald Sun*, 10 August 2007, p. 15; L Timson, "Click go the votes, click, click, click ..." *Sydney Morning Herald*, 18 September 2007. Retrieved 1 April 2008 from <http://www.smh.com.au/news/web/click-go-the-votes-click-click-click---/2007/09/17/1189881433808.html>.

<sup>826</sup> Vision Australia, *Submission No. 13*, p. 1.

officers and polling officials to be well conversed in their roles, and to be very supportive.<sup>827</sup>

The VEC also reported that vision-impaired voters said:

It was wonderful to be able to do your own voting and not have to rely on someone filling in the ballot paper for you, hoping they do it the way you want.<sup>828</sup>

Yesterday was a milestone in my life because for the first time I was able to vote independently.<sup>829</sup>

Aspects of electronic voting that voters valued were summarised in the VEC's submission:

- Staff trained in working with people with a vision-impairment;
- The option to have a practise vote before actually voting;
- Those who could read Braille found the Braille instructions next to each kiosk helpful; and
- The additional equipment such as closed circuit televisions, magnifiers and large pencils also proved very popular.<sup>830</sup>

Voters suggested to the VEC that a custom-built keypad would improve their experience of electronic voting. The VEC reported that a feasibility report on this will be conducted before the 2010 Victorian state election.<sup>831</sup>

The EMC was pleased to hear positive feedback about the e-voting trial, especially the significance for voters being able to vote independently for the first time. The EMC supports the VEC's exploration of a custom-built keypad and looks forward to receiving the results of the feasibility study.

## Voter turnout

Over the course of the voting period (13-25 November 2006, except 17 November 2006), 199 voters cast their vote electronically. Tony Clark, Manager of Technology, Training and Employment at Vision Australia, expressed disappointment with the turnout. He said:

As an organisation we were disappointed in the turnout for the election, 199 people using the e-centres. ... [H]owever, we do believe there are a number of mitigating circumstances around that of which I would like to explain in a little more detail.<sup>832</sup>

Vision Australia provided a number of reasons for the low turnout rate, which included electronic voting being a new initiative, voter scepticism, the

---

<sup>827</sup> Vision Australia, *Submission No. 13*, p. 1.

<sup>828</sup> Victorian Electoral Commission, *Submission No. 20*, p. 73.

<sup>829</sup> Victorian Electoral Commission, *Submission No. 20*, p. 73.

<sup>830</sup> Victorian Electoral Commission, *Submission No. 20*, p. 73.

<sup>831</sup> Victorian Electoral Commission, *Submission No. 20*, p. 74.

<sup>832</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

location of EVCs and voters being unable to vote electronically on election day.<sup>833</sup> The VEC's submission also indicated that voters may have been hesitant because:

- By declaring themselves to be vision-impaired, electors may then be labelled disabled by other government departments;
- Vision-impairment is quite often related to ageing and older people tend to be less comfortable with computers;
- There were concerns about the security of the system, based on issues encountered overseas with electronic voting and some misunderstandings about how the system worked;
- Some vision-impaired voters decided that electronic voting was too hard, abandoned their e-vote and opted for a paper ballot; and
- Many vision-impaired voters are registered as GPVs and many may have found it easier to simply fill in those ballot papers rather than come to a voting centre, or may have filled them out before learning about the electronic voting option.<sup>834</sup>

Vision Australia and the VEC identified a number of initiatives that it is hoped will increase blind and vision impaired voters' use of electronic voting at state elections. These included:

- Promoting voting electronically as a simple process among the blind and vision impaired community;
- Promoting electronic voting in mainstream channels such as radio and television and through carers' associations and retirement villages;
- Providing information about electronic voting in alternate and accessible formats;
- Selecting locations for electronic voting centres that are familiar to vision-impaired voters;
- Establishing electronic voting booths at all key voting centres in districts; and
- Opening electronic voting centres on election day.<sup>835</sup>

---

<sup>833</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>834</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 74-75.

<sup>835</sup> Victorian Electoral Commission, *Submission No. 20*, p. 75; Vision Australia, *Submission No. 13*, p. 2; T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 2-3.



The EMC notes the factors that contributed to the lower than anticipated voter turnout for e-voting at the 2006 Victorian state election and supports investigation and implementation of the aforementioned initiatives to encourage increasing e-voting at future Victorian state elections.

## Secret ballot

Antony Green identified an issue of concern regarding electronic voting at the 2006 Victorian state election. He noted that as there was a low turnout of blind and vision-impaired people who cast an electronic vote (199), a voter's right to cast a secret ballot may be jeopardised if only one person used electronic voting at the voting centre on a particular day. He suggested the VEC "find another way of actually providing reporting on those vision centre booths".<sup>836</sup> This issue has also been identified as problematic in the literature.<sup>837</sup>

Anthony van der Craats told the EMC of his concerns with the scrutiny process for electronic votes.<sup>838</sup>

The EMC notes that all electronic ballots were printed, sorted and distributed to counting centres for inclusion with other ballots.

The EMC notes that the secrecy of the ballot has been guaranteed in Victoria since 1856.<sup>839</sup> To guarantee the integrity and secrecy of each voter's ballot, the EMC recommends the VEC considers alternative methods of reporting the votes from e-centres for the 2010 Victorian state election.

**Recommendation 8.1: To guarantee the integrity and secrecy of each voter's ballot, the Victorian Electoral Commission considers alternative methods of reporting the votes from e-centres for the 2010 Victorian state election.**

## Paper ballots and verification procedures

Currently the *Electoral Act 2002* section 110E(2)(f) states that a paper record of each electronic vote must be printed to enable the counting of votes at elections.<sup>840</sup> The VEC suggests that the cost of expanding electronic voting in Victoria might be offset by removing this provision from the legislation.<sup>841</sup>

---

<sup>836</sup> A Green (Political Commentator), Australian Broadcasting Corporation, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>837</sup> RG Smith, *Electronic voting: Benefits & risks*, Australian Institute of Criminology, Canberra, 2002, p. 4; S Birch & B Watt, "Remote electronic voting : Free, fair and secret?" *Political Quarterly*, vol. 75, no. 1, 2004, pp. 60-72; A Thomas, *A comparative analysis of electronic elections conducted between 2000-2005*, Western Australian Electoral Commission, Perth, 2007, pp. 16-17.

<sup>838</sup> A van der Craats, *Submission No. 22*, p. 10.

<sup>839</sup> Parliament of Victoria, *Voting in Victoria*, 2007. Retrieved 22 April 2008 from <http://www.parliament.vic.gov.au/vote.html>.

<sup>840</sup> *Electoral Act 2002* s 110e.

<sup>841</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124.

The EMC notes that a paper record of each ballot recorded on the e-kiosks was distributed to counting centres for inclusion with other ballots, as outlined in the VEC's submission.<sup>842</sup>

The EMC also notes that the VEC's electronic voting software featured two separate verification procedures. According to the VEC's submission, electors were able to confirm and change their preferences for the Legislative Assembly vote on a dedicated screen. The same facility was also provided for the Legislative Council vote.<sup>843</sup>

The EMC expects to consider verification procedures as part of its inquiry into voter participation and informal voting. At this juncture, the EMC is of the view that if access to electronic voting was expanded, current procedures providing a paper copy of the ballot for counting purposes should be maintained.

In addition, under an expanded trial the EMC expects voters should have access to a paper record of their vote. During this inquiry the EMC has reviewed evidence about international approaches to voter verification. The EMC learnt that paper ballot printing is widely considered the most reliable method of verification. In this area, the EMC particularly notes the work of Dr. Rebecca Mercuri, a renowned expert on electronic voting and creator of the Voter Verified Balloting concept.<sup>844</sup> The EMC also noted a submission to the inquiry by the Computing Research and Education Association of Australasia. It observed that the SARC inquiry into *Victorian Electronic Democracy* recommended that a paper ballot be provided to electors at the e-voting trial, but that this measure was not included in section 110 of the *Electoral Act 2002*.<sup>845</sup>

## Electronic voting: Where to next?

### Expansion of electronic voting

In 2005, SARC's Final Report on *Victorian Electronic Democracy* recommended extending the use of electronic voting to people with motor impairments and poor English language skills.<sup>846</sup> During this inquiry, the EMC also heard from others who supported this recommendation including Vision Australia, Council on the Ageing, the ECCV and the VEC.<sup>847</sup> There is

<sup>842</sup> Victorian Electoral Commission, *Submission No. 20*, p. 71.

<sup>843</sup> Victorian Electoral Commission, *Submission No. 20*, p. 70.

<sup>844</sup> R Mercuri, *Electronic voting*, 2007. Retrieved 10 May 2008 from [www.notablessoftware.com/evote.html](http://www.notablessoftware.com/evote.html).

<sup>845</sup> Computing Research and Education Association of Australasia, *Submission No. 26*, p. 3.

<sup>846</sup> Parliament of Victoria, *Victorian electronic democracy: Final report*, Scrutiny of Acts and Regulations Committee, (Lily D'Ambrosio MLA, Chair), Melbourne, 2005, p. 127.

<sup>847</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124; Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007, p. 4; P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5; T Clark (Manager of Technology Training &

also an emerging body of Australian literature which supports this recommendation.<sup>848</sup>

Tony Clark indicated that expanding electronic voting would be preferable to other options such as a large print or Braille ballot paper.<sup>849</sup>

Potential electors who would benefit from the expansion of electronic voting, as outlined by the VEC include:

- People with motor impairments, who may have difficulty filling out paper ballots by hand without assistance;
- People with poor English-language skills who may have difficulties understanding the instructions on the ballot paper (instructions, formality warnings etc. can be provided in multiple languages using the electronic voting software);
- People who are illiterate in either English or their primary spoken language (instructions and options could be provided in audio through the headphones in multiple languages); and
- Electors outside Victoria.<sup>850</sup>

Tony Clark summed up the benefits at the public hearing saying:

We do believe that electronic voting provides an opportunity for many more people than those who experience vision impairment. We would urge the committee and the state government and the Victorian Electoral Commission to expand that to include the print disabled community, that is, people who find completing printed material or accessing printed material problematic or impossible; for example, people with cerebral palsy, people who experience arthritis or indeed people who have literacy issues.<sup>851</sup>

He also informed the EMC that Vision Australia had been approached by other disability groups that wanted to participate in the electronic voting trial.<sup>852</sup>

---

Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3; J Nelson (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>848</sup> C Barry, P Dacey, T Pickering & D Byrne, *Electronic voting and electronic counting of votes: A status report*, Electoral Council of Australia, 2001. Retrieved 1 April 2008 from [www.eca.gov.au/reports/electronic\\_voting.pdf](http://www.eca.gov.au/reports/electronic_voting.pdf); L Hill & K Alport, "Reconnecting Australia's politically excluded: Electronic pathways to electoral inclusion", *International Journal of Electronic Government Research*, vol. 3, no. 4, 2007, pp. 1-19.

<sup>849</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>850</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124; VEC Disability Action Plan in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 12.

<sup>851</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>852</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 4-5.

The EMC recommends the the expansion of electronic voting to include the print disabled community.

**Recommendation 8.2: The Victorian Government considers amending the *Electoral Act 2002* to expand electronic voting to the print disabled community which includes people with motor impairments, people with poor English language skills and people who are illiterate in English.**

## Potential to reduce informality

Broadening the eligibility for electors who can access electronic voting may also reduce informality, especially for those electors who have low literacy levels.<sup>853</sup> Tony Clark indicated that one of the strengths of the e-voting program is that electors consciously must cast a formal or informal vote, as the program says:

“You have registered an informal vote. Do you wish to proceed?” It tells you that you have cast an informal vote. Many people with vision impairment believe they have cast a formal vote but in reality have not. They have cast an informal vote, it is a conscious decision. That to me is the real benefit of the electronic system.<sup>854</sup>

This was confirmed by the Deputy Electoral Commissioner of Victoria, Liz Williams, at the public hearings:

I think the advantage with the electronic voting is that there is a check when the elector completes their electronic vote the system tells them whether it is formal or informal and asks them do they want to fix it.<sup>855</sup>

The EMC is encouraged to learn that e-voting enables more electors to ensure they cast a formal vote unless for their own reasons they choose to cast an informal vote.

## Software development associated with expansion of service

The VEC told the EMC that increasing the franchise of those who could vote electronically would not be logistically difficult because the software was designed with the expansion of the service in mind.<sup>856</sup> This was confirmed in a discussion between Tony Clark of Vision Australia and the EMC members:

The Chair—It is only available in English?

Mr Clark—At this stage, but certainly my understanding is the technology has the capacity to provide it in multiple languages.

<sup>853</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>854</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>855</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 11.

<sup>856</sup> Victorian Electoral Commission, *Submission No. 20*, p. 124.

Ms Campbell—The beauty of this is if, no matter what your language is, people would know the difference between John Howard and Kevin Rudd or John Brumby and Ted Baillieu or Peter Ryan. They would know that.

Mr Clark—Certainly you can do things in a number of ways. Assuming you can at least understand English then you could listen to it, regardless of whether you can read it, whether that is just a cultural issue or whether that is low literacy level; secondly, the system theoretically has the potential to display all ballot papers in whatever language you want on the screen. It is a technical possibility.

The Chair—So it is very user-friendly.

Mr Clark—Absolutely ... there are devices for people who are deaf-blind. A person who is deaf-blind can only read by fingerspell or through a device called—through Braille. A portable device is called refreshable Braille displays. It is a piece of technology that has pins that lift and fall and they take the text characters from a document and they lift and display it. You could have set up in one centre a Braille display hooked up, so not only could you access in audio, large print, whatever language, you also have refreshable Braille display on one as well. That is the whole issue when it comes to accessibility, being able to participate. It is about providing options.<sup>857</sup>

**The VEC also indicated that expanding the eligibility criteria for electronic voting may benefit from economies of scale:**

Extending the franchise of users for electronic voting could substantially reduce the cost per vote and maximise the return on the investment.<sup>858</sup>

**Peter van Vliet, Executive Officer of the ECCV, reported that there will be advantages and barriers experienced by some communities with electronic voting which would need to be considered:**

We know that the VEC are considering electronic voting methods. ... Whilst that could help solve some of these problems, it could also present some difficulties because some of our constituents that we represent are not highly computer literate. Whilst that could be one way to go, I would like to see a little bit more research on the way it would affect our communities.<sup>859</sup>

**Cathy Basterfield suggested that the inclusion of Easy-English, pictures and auditory information in e-voting would facilitate potential print disabled e-voters using electronic voting. She also stressed that regardless of the software produced, people who were unable to access a touch screen or keyboard may still require assistance with electronic voting.<sup>860</sup>**

## Administrative concerns

The EMC considered the administrative issues associated with the expansion of electronic voting to the print disabled community. Vision

---

<sup>857</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 5-6.

<sup>858</sup> Victorian Electoral Commission, *Submission No. 20*, p. 75.

<sup>859</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>860</sup> C Basterfield (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 9.

Australia indicated that electronic voting takes more time (10-30 minutes) than ordinary voting.<sup>861</sup> As a result, committee member Peter Hall MLC was concerned that if electronic voting was expanded, e-voters may have lengthy waiting periods at e-voting centres. Steve Tully explained why electronic voting is a lengthier process:

The trial did prove that electronic voting can work. Why it takes so long is because of the upper house paper and going through the instructions and all of the candidates. ... If we are going to deal with language issues, we are going to have the same sorts of time constraints if we get 40 or 50 candidates. It takes a while to read them out.<sup>862</sup>

EMC member, Peter Hall MLC asked if an appointment schedule would resolve the time issue. Although no definitive answer resulted, Tony Clark suggested the development of a register of e-voters:

There may be some value in capturing whether an individual may have special needs and that would enable a few things—not only would it enable them to supply electronic voting but for things such as, what formats do you need information in. For example, do you need Braille, do you need audio, and that can also be expanded to foreign languages. There may be some opportunity to help resourcing that as well.<sup>863</sup>

The EMC supports the investigation of implementation issues associated with the expansion of e-voting by the VEC.

## Further research and consultation

The EMC gathered evidence which suggested that the VEC and the Computing Research and Education Association of Australasia support the establishment of a set of standards for electronic voting in Australia. A set of standards does not currently exist. Both organisations indicated that this should occur in partnership with other electoral commissions.<sup>864</sup> The VEC's submission outlined a number of benefits of this:

This would make the process of tendering for electronic voting in the future easier for both electoral commissions and suppliers, and would help to ensure some consistency across Australia. A number of vision-impaired people have commented that it would be confusing for voters to have to use systems that are operated differently at the State level compared to the federal level.<sup>865</sup>

The EMC supports the VEC's suggestion that interstate, territory and federal electoral commissions work together to establish an Australia wide set of standards for electronic voting and looks forward to being informed of the outcome.

---

<sup>861</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>862</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 8.

<sup>863</sup> T Clark (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>864</sup> Computing Research and Education Association of Australasia, *Submission No. 26*, p. 4; Victorian Electoral Commission, *Submission No. 20*, p. 75.

<sup>865</sup> Victorian Electoral Commission, *Submission No. 20*, p. 75.

The EMC notes that electronic voting would also be beneficial at local council elections. Although the *Local Government Act 1989* and the *City of Melbourne Act 2001* do not have provisions for electronic voting, the VEC suggested that it may be useful to:

[T]rial electronic voting for people with poor English-language skills at an attendance election in a municipality with a high proportion of culturally and linguistically diverse voters.<sup>866</sup>

Nevertheless, the ECCV stated that they did not want electronic voting to be considered a “quick fix” to solving the difficulties experienced by voters who are not literate in English. The ECCV recommended that research be conducted on how electronic voting will impact on CALD communities.<sup>867</sup>

The EMC is mindful that the expansion of e-voting should not overshadow the importance of ordinary voting and that the VEC should consult with relevant communities about preferred voting methods.

The EMC recommends that further e-voting trials be conducted at future Victorian state elections and looks forward to being kept informed of further developments in this area.

**Recommendation 8.3: Further e-voting trials be conducted at future Victorian state elections.**

## Remote electronic voting

The EMC considered remote electronic voting as part of the discussion about expanding electronic voting. Hill and Alport, researchers who examined the relationship between e-technologies and political inclusion, argued that internet voting may have the following benefits:

Internet voting could also replace postal, consulate, and mobile voting for people in remote regions, for citizens temporarily residing overseas, and for people with a disability who experience difficulty in attending polling booths.<sup>868</sup>

However, the VEC’s submission indicated that electors, as well as the VEC, are not confident that electronic voting over the internet is safe and secure:

There are security issues and it takes us into another debate. .... Everyone is nervous, including us, about security in remote electronic voting. They do it in the UK with some success. It is hideously expensive. But that is another thing that could be looked at again to see whether there have been any improvements in security.<sup>869</sup>

---

<sup>866</sup> Victorian Electoral Commission, *Submission No. 20*, p. 125.

<sup>867</sup> P van Vliet (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 5.

<sup>868</sup> L Hill & K Alport, "Reconnecting Australia's politically excluded: Electronic pathways to electoral inclusion", *International Journal of Electronic Government Research*, vol. 3, no. 4, 2007, p. 14.

<sup>869</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 8-9.

The Computing Research and Education Association of Australasia also had concerns regarding the security of remote electronic voting and agreed with the VEC that internet voting should not be introduced in the near future.<sup>870</sup>

Similarly, the following security concerns were cited in a report on electronic voting compiled by the Western Australian Electoral Commission:

- “Jamming”, where a hacker overloads a website thus disabling communication;
- “Man in the middle” attacks, where a hacker produces an identical or imposter website, essentially to steal personal information;
- “Page jacking”, where a user has difficulty accessing a desired web site and is constantly redirected to an impostor site; and
- “Bottlenecks”, where information requests and traffic volume retard access to other users.<sup>871</sup>

The VEC referred the EMC to the AEC project which trialled remote electronic voting on the Department of Defence’s intranet.<sup>872</sup>

The EMC also notes that the UK Parliament is interested in “investigating the potential benefits of remote electronic voting (using the internet and telephone systems), taking advantage of developing communication technologies to provide increased flexibility and choice in the way people vote”.<sup>873</sup>

---

<sup>870</sup> Computing Research and Education Association of Australasia, *Submission No. 26*, p. 4.

<sup>871</sup> A Thomas, *A comparative analysis of electronic elections conducted between 2000-2005*, Western Australian Electoral Commission, Perth, 2007, p. 16.

<sup>872</sup> Victorian Electoral Commission, *Submission No. 20*, p. 125.

<sup>873</sup> Crown, *The Governance of Britain*, United Kingdom Parliament, London, 2007, p. 45.





---

## Chapter Nine: Counting the votes

This chapter considers how votes were counted at the 2006 Victorian state election, and issues pertaining to:

- Scrutiny of declarations;
- Scrutiny of votes;
- Calculation of votes for the Legislative Assembly;
- Calculation of votes for the Legislative Council;
- Casual vacancies in the Legislative Assembly and Legislative Council; and
- Incidence of informal voting at the 2006 Victorian state election and Albert Park District and Williamstown District by-elections.

### Scrutiny of declarations

#### Declaration votes

Declaration votes are all votes other than ordinary votes, and are named as such because electors are required to make a declaration stating their entitlement to vote. This declaration is then checked by VEC staff to determine whether the vote should be admitted to the final election count.<sup>874</sup>

The VEC's submission stated there are four types of declaration votes. Each is processed in a different way:

- Postal votes are cast by electors who have applied to vote by post and have been mailed ballot papers;
- Early votes are cast by electors at early voting centres before election day. The elector makes a verbal declaration that they are eligible for an early vote and their ballot is sent to the appropriate election office for counting;

---

<sup>874</sup> Victorian Electoral Commission, *Submission No. 20*, p. 78.

- Absent votes are cast by voters at voting centres outside their own districts and regions on election day; and
- Unenrolled votes are cast by those voters whose details cannot be found on the electoral roll on election day, but who sign a written declaration that they are entitled to vote.<sup>875</sup>

At the 2006 Victorian state election, the VEC processed 74,403 declaration votes where elector details could not immediately be found on the roll.<sup>876</sup> This figure has decreased compared with the 91,961 declaration votes at the 2002 Victorian state election.<sup>877</sup>

The VEC suggests two factors contributed to the reduction in the number of declaration votes that required further checking for elector entitlement:

- For the first time at a Victorian state election, all EVC's were provided with an electronic copy of the Victorian electoral roll. Election centre managers were provided with a personal digital assistant containing the electoral roll. The VEC suggests that having an electronic copy of the roll on hand and easily accessible, made the process of checking "the entitlement of all early voters and many absent voters" much quicker.<sup>878</sup>
- The VEC suggested that the increase in the number of JVC's at the 2006 Victorian state election contributed to the reduction in declaration votes.<sup>879</sup>

The EMC notes the VEC's initiatives to reduce declaration votes at the 2006 Victorian state election. Wherever possible, the EMC would like to see voters identified as promptly as possible, and to lodge their vote as easily, as is practicable, on election day.

## Postal vote declarations postmarked "Sunday"

Section 106(3) of the *Electoral Act 2002* states that postal vote declarations are considered to have been posted before 6.00pm on election day if:

- The postmark on the envelope is dated a day on or before the election day; and
- In the case of no postmark being legible, the declaration is "witnessed on or before the election day".<sup>880</sup>

---

<sup>875</sup> Victorian Electoral Commission, *Submission No. 20*, p. 78.

<sup>876</sup> Victorian Electoral Commission, *Submission No. 20*, p. 78.

<sup>877</sup> Victorian Electoral Commission, *Submission No. 20*, p. 78.

<sup>878</sup> Victorian Electoral Commission, *Submission No. 20*, p. 79.

<sup>879</sup> Victorian Electoral Commission, *Submission No. 20*, p. 79.

<sup>880</sup> *Electoral Act 2002* s 106(3).

During the 2006 Victorian state election period, Australia Post advised the VEC that “mail posted on Saturday [election day] is not processed or postmarked until Sunday”.<sup>881</sup> Ballot papers and postal vote declarations therefore posted after the Australia Post clearance on Friday night and at any time during Saturday will be postmarked Sunday.<sup>882</sup>

The VEC advised that it sought legal advice on this matter and consulted with all registered political parties. According to the VEC, “a process was subsequently implemented whereby declarations postmarked Sunday were assessed according to the date that the declaration was witnessed. Declarations witnessed on or before election day were accepted”.<sup>883</sup>

The VEC requested the EMC consider section 106(3) of the *Electoral Act 2002*,<sup>884</sup> with a view to clarifying the legal provisions relating to how and when postal vote declarations can be accepted by the VEC.<sup>885</sup>

The EMC notes the discordance between section 106(3) of the *Electoral Act 2002* and Australia Post’s mail collection procedures. The EMC notes that under current arrangements, the VEC is unable to determine the time when a postal vote declaration is posted after the last mail collection on the Friday immediately before the election day.

The EMC is of the view that this uncertainty creates opportunity for electors to cast a postal vote after 6pm on election day when general trends about election results have been reported by the VEC and the media. Consequently, the EMC recommends the Victorian Government seek legislative change in this area.

**Recommendation 9.1: The Victorian Government considers amending the *Electoral Act 2002* to include clearer provisions for how to manage postal vote declarations which are postmarked “Sunday”.**

## Witness on postal vote declarations

Sections 101 and 106 of the *Electoral Act 2002* describe the process by which an elector may apply for a postal vote. Both sections include directions on how electors should complete their postal vote declaration.<sup>886</sup>

Currently the applicant/elector is required to complete their ballot in the presence of an authorised witness. The authorised witness is required to sign the form and describe their title or relationship to the voter. In Victoria, an enrolled elector or election official is entitled to witness a postal vote declaration. All postal votes are rejected when the declaration is not signed

---

<sup>881</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>882</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>883</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>884</sup> *Electoral Act 2002* s 106(3).

<sup>885</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>886</sup> *Electoral Act 2002* s 101 and 106.

by an approved witness. Election Managers are required to reject declarations that are not witnessed, even if they are signed by the elector.<sup>887</sup>

The VEC noted two issues relating to how postal votes are witnessed:

- The VEC suggested some electors, and specifically those acting as witnesses, may find the instructions provided on the postal vote declaration material difficult to understand. In its submission, the VEC notes: “A large number of electors wrote “Mr” or “wife” etc, as opposed to “elector””.<sup>888</sup>
- Election Managers are required to check that an elector’s signature matches that on the returned application and postal vote. Declarations are rejected where signatures do not match.<sup>889</sup>

Due to this, the VEC requested that consideration be given to removing the requirement for postal vote declarations to be witnessed.<sup>890</sup>

The EMC was concerned that removing the requirement for postal vote declarations to be witnessed may lead to instances of electoral fraud. At the public hearing, Liz Williams, Deputy Electoral Commissioner of Victoria, explained how postal vote declarations would still be checked against the elector’s signature of the postal vote application:

A voter will apply for a postal vote and on the application will sign it and have their signature witnessed to say that it is their signature. We then send out the ballot material which includes a declaration envelope which the voter will then sign. We check that declaration signature against the signature on the original application which was witnessed, but the legislation currently requires the declaration to be witnessed as well, even though the signature of the voter matches the signature that is on the application that was already witnessed. The recommendation is removing the requirement for that declaration to be witnessed.<sup>891</sup>

Subsequent to this, the VEC provided the EMC with a supplementary submission, detailing further information about postal declarations that were rejected because they were not witnessed. The VEC informed the EMC about an audit of postal votes across all electoral districts. According to the audit “53 [postal vote] declarations were rejected because they were not witnessed”.<sup>892</sup>

The EMC notes that a number of returned postal vote declarations were not witnessed and were therefore ineligible to be counted. The EMC understands that it can occasionally be difficult for Election Managers to match an elector’s signature with that on a postal ballot.

---

<sup>887</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>888</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

<sup>889</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>890</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>891</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 9.

<sup>892</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*, p. 2.

In previous sections of this report, a common theme is the accessibility of voting information and materials. While the EMC notes that designing voting materials for an increasingly diverse Victorian community is a complex task, the VEC should make every effort to produce postal vote declaration materials and instructions which are simple for electors to understand.

The EMC holds the view that all reasonable procedural protections should be used to ensure that those submitting a postal vote are entitled to do so. Having an elector or election officer witness postal vote declarations is one of these protections. Consequently, the EMC does not support the VEC's recommendation.

The EMC notes the VEC's initiatives to develop clearer postal vote application and declaration materials. Discussion surrounding this took place at the public hearing between EMC member Michael O'Brien MP and Steve Tully, Electoral Commissioner of Victoria:

Mr O'Brien—Also in the same category there is an issue with the designation of the witnesses—people put in “Mister” or “wife” as opposed to “elector”. Could a graphic designer help us with that? Could the form be better designed so it is made quite clear that, “You are authorised to witness this if you are an elector.” Do they need to fill in the term “elector”? Can it be made clear that, “You can only authorise this if you yourself are on the roll”?

Mr Tully—I am sure it can. It is a prescribed form so we can provide you with some make-up work on that if you request, through the chair. We can do that.

Mr O'Brien—It sounds like something that could be relatively easily dealt with.

Mr Tully—We believe so.<sup>893</sup>

## General postal voters

Section 24 of the *Electoral Act 2002* describes the criteria and procedures for a person to apply as a GPV for state elections.<sup>894</sup>

The EMC notes that electors who are registered as GPVs are automatically sent ballot material at the time of a state election. Election Managers must compare the signature of the elector on the declaration with the signature on the application.<sup>895</sup>

The VEC received legal advice that GPV applications that are signed and witnessed should be accepted, because the application for a GPV did not exist for the 2006 Victorian state election and the VEC did not hold a copy of the original application. At present, these records are held by the AEC.<sup>896</sup>

<sup>893</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 9.

<sup>894</sup> *Electoral Act 2002* s 24.

<sup>895</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>896</sup> Victorian Electoral Commission, *Submission No. 20*, p. 120.

In view of this, the VEC suggested the EMC consider recommending clarification to the scrutiny requirements for GPVs.<sup>897</sup>

The EMC notes the VEC's suggested clarifications to the sections of the *Electoral Act 2002* covering postal voting legislation.

For future state elections, the EMC is of the view that it would be beneficial for the VEC to secure from the AEC copies of GPV applications of Victorian electors.

## Scrutiny of votes

As part of its inquiry, the EMC received evidence from several interested individuals about the scrutiny process at the 2006 Victorian state election. Evidence addressed the following topics:

- Insufficient scrutineers;
- Access to polling data; and
- Conduct of scrutineers.

### Insufficient scrutineers

The EMC received evidence about scrutiny related issues at the 2006 Victorian state election from the following individuals and organisations:

- Anthony van der Craats;
- Antony Green;
- Mary Madigan; and
- VEC.

Effective, timely and transparent scrutiny of elections is a cornerstone of democratic government. In paper based voting systems, transparency is typically managed by having "observers and scrutineers present at different stages of the voting and counting processes".<sup>898</sup>

According to the VEC, scrutiny is the process of checking and counting ballot papers to ascertain the result of an election. A scrutineer is a person appointed by a candidate to observe voting and the scrutiny and count of

---

<sup>897</sup> Victorian Electoral Commission, *Submission No. 20*, p. 121.

<sup>898</sup> CA Hughes, "Institutionalising electoral integrity", in M Sawer (ed). *Elections: Full, free and fair*, Federation Press, Sydney, 2001, p. 142.

ballot papers to satisfy their candidate that the poll was conducted in accordance with the law.<sup>899</sup>

At the public hearing, political commentator Antony Green commented on the increased level of interest in scrutiny arrangements for Legislative Council region counts at the 2006 Victorian state election:

Sometimes scrutineers will spot errors and actually not talk about them because if it does not help their cause, they are not interested in having it corrected. ... I would also say one of the difficulties is often there is very little scrutineering of these upper house counts. I mean, you do not normally see scrutineers at Senate counts, there is not much point. It just so happened at this election there were three extremely close counts in the end; one caused by an error, the other two caused by the fact that the count was close. Therefore, when the scrutineering pressure came on, I gather that the procedures were not in place well enough to do the scrutineering properly.<sup>900</sup>

Mary Madigan, member of the public, highlighted that independent parties and candidates were unable to attract appropriate numbers of volunteers and scrutineers at the 2006 Victorian state election. In her written submission Mary Madigan explained that this problem was most acute in the South Eastern Metropolitan region:

In the last state election we believe there was insufficient scrutineers, as we believe the result did not reflect the way constituency had cast their vote. ... I believe independent parties [candidates] had only a very short time to present themselves and this is unacceptable in a democracy.<sup>901</sup>

In relation to this issue, the EMC reviewed literature in the field of comparative politics examining the role of minor parties in competitive democracies. In *Elections: Full, free and fair*, Colin Hughes suggests that Australia's minor parties struggle to attract resources, volunteers and candidates,<sup>902</sup> especially during state and local council elections.

The EMC notes this position, but is of the view that all political parties face issues when competing in election contests, not just minor party or independent candidates. Discussion about how political parties are resourced should therefore remain matters for political parties and independent candidates.

---

<sup>899</sup> Victorian Electoral Commission, *Glossary*. Retrieved 15 May 2008 from <http://www.vec.vic.gov.au/glossary.html>.

<sup>900</sup> A Green (Political Commentator), Australian Broadcasting Corporation, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>901</sup> M Madigan, *Submission No. 2*, p. 2.

<sup>902</sup> CA Hughes, "Institutionalising electoral integrity", in M Sawyer (ed). *Elections: Full, free and fair*, Federation Press, Sydney, 2001, p. 142.



## Access to polling data

In a submission to the EMC, Anthony van der Craats claimed the VEC could augment access to polling data for scrutineers and general information purposes.<sup>903</sup>

Anthony van der Craats requested change in two areas. In a general sense, he calls for the VEC to be more accountable, requesting the EMC recommend legislative changes to “ensure that the conduct of public elections are open and transparent and that information in electronic format is readily available and publish[ed] on the Government[’s] internet site in a timely fashion so as to allow proper scrutiny and independent public review of the public elections”.<sup>904</sup>

In addition to this, he calls on the EMC to recommend that the VEC release certain polling information. The VEC provided the EMC with a summary of Anthony van der Craats requests including “daily statistical information related to the number of early and postal votes issued, ... statistical information related to the ballot postal papers returned per electorate prior to the final tabulation and counting of the ballot”.<sup>905</sup> Anthony van der Craats also requested copies of statistical returns for ordinary, return and section ballots for each polling booth.<sup>906</sup>

On 28 August 2007 the VEC provided a supplementary submission to the EMC, addressing Anthony van der Craats’ submission. In response to Anthony van der Craats’ call for the VEC to be more accountable, the VEC offered the following:

The VEC is fully aware of the need for transparency in election processes. All counting is conducted in the presence of scrutineers who are provided with information to fulfil their function at each venue. In the interests of transparency, the VEC responded as far as possible to Mr van der Craats’ numerous and ever changing requests.<sup>907</sup>

**In relation to Anthony van der Craats’ requests for certain postal ballot data, the VEC submits:**

To the best of the VEC’s knowledge Mr van der Craats is the only individual who has such a requirement. He appears unable to grasp the fact that many postal votes issued either do not come back in time to be counted or do not come back at all. All returned postal votes were packaged and returned to Election Managers from the central processing centre, with paper work that included the number of postal votes included in each delivery. The reconciliation forms were made available to scrutineers at each of the postal vote counts conducted locally in election offices.<sup>908</sup>

**The EMC notes the VEC’s response to Anthony van der Craats’ submission.**

---

<sup>903</sup> A van der Craats, *Submission No. 22*, p. 5.

<sup>904</sup> A van der Craats, *Submission No. 22*, p. 5.

<sup>905</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 2.

<sup>906</sup> A van der Craats, *Submission No. 22*, p. 5.

<sup>907</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 2.

<sup>908</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 2.

In correspondence to the EMC on 5 June 2008, the VEC indicated that while “there has been no previous demand for details regarding postal ballot paper tracking, this information could certainly be provided”.<sup>909</sup>

**Recommendation 9.2: The Victorian Electoral Commission considers providing a postal ballot paper tracking service at future Victorian state elections.**

## Conduct of scrutineers

At the EMC’s public hearings, Steve Tully, Electoral Commissioner of Victoria, briefly discussed the VEC’s approach to dealing with issues between scrutineers and election officials with EMC member the Honourable Christine Campbell MP:

Ms Campbell—How do you stop bullies, the scrutineers accused of bullying?

Mr Tully—We try and talk to them.

Ms Campbell—Do you ever exclude people?

Mr Tully—I try not to because I think it inflames the situation. As you said earlier, everyone is hanging onto the edge of the seat. Everyone’s credibility and future is on the line. We all feel the tension. I think most people are pretty good with the scrutineers, really. If we can give them some time out or talk to them they will come around—not always the case. That is our attempt.<sup>910</sup>

The EMC notes that allegations of intimidation or bullying by scrutineers are not commonplace at Victorian state elections. The EMC expects the VEC to effectively manage situations where improper conduct of scrutineers is alleged.

## Calculation of votes – Legislative Assembly

In Victoria the voting system used to elect candidates to the Legislative Assembly is full preferential voting. In order to lodge a formal ballot, all boxes on the ballot paper should be numbered using the full sequence of numbers as indicated on the ballot paper. The only exception is where one box is left blank and would logically have contained the last preference.<sup>911</sup> Candidates must receive over 50% of all formal votes to be elected to Parliament. If in any district a candidate does not attract 50% of the formal vote, preferences are distributed until this occurs.<sup>912</sup>

<sup>909</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

<sup>910</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 19.

<sup>911</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 12.

<sup>912</sup> Victorian Electoral Commission, *Submission No. 20*, p. 2.

The VEC's submission gives a summary of the process used to calculate votes for the Legislative Assembly at the 2006 Victorian state election, including the following:

- Preliminary first counts were conducted in voting centres;
- A total of 49 districts required a preference distribution; and
- The Electoral Commissioner ordered a recount for Ferntree Gully District, as the final margin there was 17 votes.<sup>913</sup>

## Slowness of count in some Legislative Assembly Districts

Stakeholders provided anecdotal evidence to the inquiry that the process of counting and calculating votes in some Legislative Assembly Districts occurred slowly at the 2006 Victorian state election. In a submission to the inquiry, the Australian Greens (Victoria) referred to the counting of votes in the Northcote and Preston districts.<sup>914</sup> These comments were later expanded upon by Alison Clarke, the Australian Greens' (Victoria) Party Co-ordinator, at the EMC's public hearings:

[I]n some seats the count was quite slow, notably Northcote and Preston were seen to be a long way behind the postal and absentee votes on other lower house seats. Again we do not know why that was, whether it was a planning issue, whether it was a resourcing issue but it is something that we would be keen to see fixed, especially since the result of the election can be hanging in the balance for quite a while.<sup>915</sup>

Antony Green also noted the slowness of the count in the Melbourne district.<sup>916</sup>

The VEC discussed the issue of the perceived slowness of some district counts in a supplementary submission. The VEC recognised that the "volume of processing in the days immediately following election day, for those election offices covering 3 districts was onerous".<sup>917</sup> The VEC also suggested that improved strategies for processing and checking Legislative Council ballot papers and in general, reducing the maximum number of districts to be covered by one office to two," might expedite counting processes at future state elections.<sup>918</sup>

The EMC recognises the Australian Greens' (Victoria) and Antony Green's concerns. The EMC notes that while a Legislative Assembly election might not be affected by the speed of the count, a slow count could affect the transmission of results in a Legislative Council election. To this end, the

---

<sup>913</sup> Victorian Electoral Commission, *Submission No. 20*, p. 78.

<sup>914</sup> Australian Greens (Victoria), *Submission No. 8*, p. 2.

<sup>915</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 3.

<sup>916</sup> A Green, *Submission No. 10*, p. 5.

<sup>917</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

<sup>918</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

EMC encourages the VEC to be mindful of the need for accurate and timely transmission of election results.

The EMC welcomes the VEC's service improvement to limit the number of districts assigned to Election Managers.<sup>919</sup> The EMC looks forward to seeing this initiative at future state elections.

## Two-candidate-preferred count

In Victoria, a two-candidate-preferred count, or 2CP, is a distribution of preferences to the two candidates who are expected to come first and second in the election. According to the VEC's submission:

In districts where a preference distribution was not conducted or could not be used (because the distribution determined the result when there were more than two candidates still in the count, or because the distribution was not between a Labor and a Liberal/National candidate), and where the two-candidate preferred count was between a Labor and a Liberal/National candidate, the two-candidate-preferred count constituted the two-party-preferred vote. There were 48 such districts in the 2006 state election.<sup>920</sup>

Nathan Lambert, member of the public, expressed concern about the practice of conducting a "rough" two-candidate count at the booth level and a formal count at the district level.<sup>921</sup> In his submission, Nathan Lambert suggested the *Electoral Act 2002* should be amended to require the VEC to conduct a full two-candidate count for each booth at a state election, full preference distributions for every district and a full reconciliation of certified lists.<sup>922</sup>

Nathan Lambert submitted that advances in information technology have contributed to the development of more affordable and powerful data management systems. The result of this, according to Nathan Lambert, is that the public "can now reasonably expect institutions to have a higher standard of accounting, and a higher standard of integrity as a result".<sup>923</sup>

The VEC conducts 2CP counts on election night "as a service to the media, candidates and parties. These counts are indicative, as are all election night figures – with the result announced at the declaration of the poll being the official result. Any variations between indicative and final results come about from further checks that are conducted following election day".<sup>924</sup>

---

<sup>919</sup> Victorian Electoral Commission, *Submission No. 20*, p. 118.

<sup>920</sup> Victorian Electoral Commission, *Submission No. 20*, p. 104.

<sup>921</sup> N Lambert, *Submission No. 9*, p. 1.

<sup>922</sup> N Lambert, *Submission No. 9*, p. 1.

<sup>923</sup> N Lambert, *Submission No. 9*, p. 1.

<sup>924</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 6.

The EMC notes the VEC provides a copy of the full reconciliation of certified lists in the post-election period.<sup>925</sup> The EMC further notes the VEC's statements in a supplementary submission about election management:

The management of elections requires an appropriate balance between resources, efficiency, time and accuracy.<sup>926</sup>

The EMC considers the 2CP count an important election reporting tool. However, as pointed out by the VEC, "Victorian law does not require an election manager to continue to distribute preferences once a candidate has received an absolute majority".<sup>927</sup> In view of this, the EMC would like to see the Victorian Government consider including in the *Electoral Act 2002* a provision that the VEC conducts 2CP preference distributions for each polling booth in every Legislative Assembly District at Victorian state elections.

**Recommendation 9.3: The Victorian Government considers including in the *Electoral Act 2002* a provision that the Victorian Electoral Commission conducts two candidate preferred preference distributions for each polling booth in every Legislative Assembly District at Victorian state elections.**

## Calculation of votes – Legislative Council

The 2006 Victorian state election was a unique event in Victorian electoral history. Amendments introduced by the *Constitution (Parliamentary Reform) Act 2003* resulted in significant changes to Victoria's electoral system, including new electoral boundaries for the Legislative Council, the establishment of fixed terms for both Houses of Victoria's Parliament, and the introduction of a new process for filling casual vacancies in the Legislative Council.<sup>928</sup>

In addition, these amendments to the *Constitution Act 1975* also altered the size of the Legislative Council, reducing the number of members from 44 to 40. The number of Upper House electorates changed. Previously Victoria was represented by 22 Legislative Council electoral provinces, with each province electing two members (who had rotating terms, with one being elected at each state election). Victorians are now represented in the Legislative Council by eight different regions, each electing five members

---

<sup>925</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

<sup>926</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, pp. 4-5.

<sup>927</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

<sup>928</sup> Parliament of Victoria, "A new electoral system for Victoria's Legislative Council", *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

(who are elected at each state election). Members are elected for four years, as opposed to eight years under the previous system.<sup>929</sup>

Significantly, the 2006 Victorian state election saw the introduction of a new counting system for the Legislative Council. The voting method changed from a system of preferential voting, used in the Legislative Assembly, to proportional representation. Proportional representation, referred to as full representation or PR, is a system of electoral counting which aims to ensure that candidates are elected proportionally to the number of votes they receive at election time.<sup>930</sup>

One feature of the single-transferable vote method is that the system does not “waste” votes. Candidates elected to the Legislative Council in Victoria must achieve a “quota” (equal to one-sixth plus one) of formal votes to be elected. Candidates who attract more than the quota of first-preference votes are elected. Then, “elected candidates’ surplus votes (the number of votes more than the quota) are transferred to other candidates according to the preferences on the ballot paper”.<sup>931</sup> Any candidate that achieves a quota of votes via this method is elected. Further, “if there are still vacancies to fill once the surplus votes have been transferred, the candidate with the fewest votes is excluded and that candidate’s votes are distributed to the remaining candidates according to the preferences on the ballot papers. The process of transferring surpluses from elected candidates and distributing preferences from excluded candidates continues until all positions have been filled”.<sup>932</sup>

In a practical sense, the introduction of proportional representation at the 2006 Victorian state election means that Victorian electors now have a choice of how to vote for their Legislative Council representatives. To summarise the VEC, voters may either:

- Vote 1 “above-the-line” for their preferred party or group of candidates (the voter’s preferences will follow the group voting tickets lodged by the party or group); or
- Vote “below-the-line” for individual candidates. Voters have to vote at least 1 to 5 in the squares below the bold black line of the ballot for their votes to count, and can continue numbering other squares if they wish. This method of voting is known as optional preferential voting.<sup>933</sup>

---

<sup>929</sup> Parliament of Victoria, “A new electoral system for Victoria’s Legislative Council”, *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

<sup>930</sup> Parliament of Victoria, “A new electoral system for Victoria’s Legislative Council”, *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

<sup>931</sup> Victorian Electoral Commission, *Submission No. 20*, p. 17.

<sup>932</sup> Victorian Electoral Commission, *Submission No. 20*, p. 17.

<sup>933</sup> Victorian Electoral Commission, *Submission No. 20*, p. 16.

Despite the significance of these changes, the transition in the Legislative Council was not seamless, a fact noted by one political commentator soon after the election.<sup>934</sup> Close results in the Legislative Council and a data-entry error during the count for Northern Metropolitan region, focused attention on the conduct of the election, and in particular, the VEC, its scrutiny processes and the computer-count application it used to tabulate the results for the Legislative Council.

The EMC heard from the following individuals and organisations:

- Anthony van der Craats;
- Antony Green;
- Australian Greens (Victoria);
- Australian Labor Party (Victorian Branch); and
- Mary Levens.

In addition, the VEC addressed the Legislative Council count in submissions to the EMC. Steve Tully, Electoral Commissioner of Victoria, and Liz Williams, Deputy Electoral Commissioner of Victoria, also attended the EMC's public hearings, discussing the Legislative Council, the VEC's view of the problems that occurred during the count, and issues the submissions raised associated with the Legislative Council.

## Details of region count

According to the VEC:

- First-preference votes for the Legislative Council were counted at voting centres and at election offices on election night.
- On the Monday after election day, all below-the-line and informal ballot papers held in each election office in the State – up to and including election night – were transferred to the MECC, where a centralised computer-count centre had been established.
- Reconciliation of all below-the-line ballot papers was undertaken at the MECC for each district. Once reconciled, the below-the-line ballot papers were amalgamated for each region and batched in preparation for data-entry into the VEC's computer-count application. Informal ballot papers were re-checked for formality in the presence of scrutineers. Ballot papers found to be formal (above-the-line or below-the-line) were set aside for inclusion in data-entry.

---

<sup>934</sup> N Economou, *The landslide revisited: The 2006 Victorian state election*, Democratic Audit of Australia, Canberra, 2006, p. 9.

- Data-entry was carried out by three teams of 30-data-entry operators, with each team responsible for two or more regions. Once data-entry was complete, all informal ballots were passed to the informal checking team for further scrutiny.
- Once below-the-line ballot papers had been data entered, the total number of above-the-line ticket votes for each group was entered into the computer-count application. The total ticket votes for each group for each region were faxed to the MECC from each election office. Added to this figure was the number of above-the-line ballot papers held at the MECC.
- Once all above-the-line and below-the-line data had been entered into the computer-count application for each region, the total number of informal ballot papers held at the MECC for each region was entered into the system. Final reconciliation then took place prior to results being calculated. Scrutineers were able to observe all aspects of the count.
- The calculation of results commenced at 5.00 pm on Tuesday 12 December 2006.<sup>935</sup>

## Northern Metropolitan region count

The Northern Metropolitan region count received considerable media coverage after the 2006 Victorian state election. Even as early as 14 December 2006, some political commentators, the media and “bloggers” speculated that a numerical error occurred during the count. According to one “blog”:

I have heard rumours of a VEC data-entry error which saw a 0 entered as a 6, explaining the mysterious late surge in the Liberal vote in Northern Metropolitan; and also of another problem with the original distribution of preferences that had no bearing on the result.<sup>936</sup>

The ABC reported that the VEC had ordered a recount for Western Metropolitan and Northern Metropolitan regions on 13 December 2006.<sup>937</sup>

Submissions to this inquiry revealed a strong interest in the Northern Metropolitan region count. The Australian Greens (Victoria), the Australian Labor Party (Victorian Branch), Antony Green and Anthony van der Craats, expressed concern with the conduct of the count and the counting process. The following is a description of how the Northern Metropolitan region count and recount took place.

---

<sup>935</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 80-81.

<sup>936</sup> The Poll Bludger, *Upper House results: Take two*. Retrieved 10 May 2008 from <http://www.pollbludger.com/category/victorian-election-2006>.

<sup>937</sup> ABC News, “VEC to recount Upper House seats”, *ABC News Online*, 13 December 2006. Retrieved 10 May 2008 from <http://www.abc.net.au/news/newsitems/200612/s1810781.htm>.



## Description of the Northern Metropolitan region count and recount

The calculation of results for each of Victoria's eight Legislative Council regions occurred on Tuesday 12 December 2006. Of the eight regions, the calculation of the results for Northern Metropolitan region occurred last. The VEC's submission details how provisional results for each region were determined:

Prior to the calculation of the region provisional results, the VEC used the total number of district ballot papers as a guide for the total number of ballot papers expected for each region. This assisted the VEC in tracking the movement of ballot papers from voting centres to the central count centre. It is not unusual for the total number of ballot papers received for the district and the region electorate to vary by a small percentage, and based on previous Australian experience, a difference of 0.3% was used as a general guide. The variance can occur when electors return only one paper with their postal voting material, or when they place only one paper in the ballot box.<sup>938</sup>

A check of the number of district versus region ballot papers was conducted for each region prior to the entry of above-the-line ticket votes in the computer-count application. According to the VEC, no such check was completed following the entry of the data into the VEC's computer-count application, and a human transcription error occurred at the time the above-the-line data was entered into the computer application.<sup>939</sup>

At the EMC public hearings, Steve Tully, Electoral Commissioner of Victoria, gave an account of how the error occurred, and the exact figures involved:

Mr Tully—The Northern Metropolitan Region as a group was the one that was coming in last as far as its progress was going in counting of votes and we put extra resources to assist. We did the preliminary work of check against gross error, that is how many ballot papers should there be in the count by comparing the total of all the district numbers within that region and by looking at previous counts on the night and what we expected and reasonable tolerances. It was agreed that if the number came within the certain parameters that we would move ahead. We knew how many ballot papers were in the count, we would push the button. In the heat of all of that and a change of shift and a change of procedure, one number, an above the line number was read into the system incorrectly. It was read in as 46,650, instead of 40,650. The number of votes for the Liberal candidate was well over and above what they achieved. If we had gone back and looked at the acceptable parameters that would have clearly shown to us that we had too many papers and there was something wrong with the count. It was the last one that came in—a read-back, replicated the error, the button was pushed and everyone fainted. ... We knew that something was wrong and to be fair the parties knew something was wrong. We were immediately accused of the algorithms in our program of counting were incorrect. All of our effort for the first two hours went in a line-by-line check, that there were proper carry-overs, transfer values and calculations, and it all looked okay. It was not until we went outside and saw back to—how many ballot papers were there in that and how many there should have been, that we realised that there were too many ballot papers added in and it was clear, we found out where that error was...

---

<sup>938</sup> Victorian Electoral Commission, *Submission No. 20*, pp. 80-81.

<sup>939</sup> Victorian Electoral Commission, *Submission No. 20*, p. 82.

The Chair—What about in terms of data-entry and calling the figure out? Any indication—

Mr Tully—Well, that is right. That is a complete call-back. All numbers will be read as “four zero six three two”.

The Chair—Each digit will be—

Mr Tully—That is right, and there will be a third read-back. When there is an error like that it really does stand out.<sup>940</sup>

The Northern Metropolitan region recount, along with the recounts for the Western Metropolitan and Western Victoria regions, were conducted on Wednesday 13 December 2006 at the MECC in the presence of around 350 scrutineers. For the recount, all above-the-line ballot papers were transported to the MECC from voting centres. The recount itself comprised a manual check of over 1,000,000 ballot papers. The VEC summarised this event:

Above-the-line ballot papers for each group were checked separately. The preferences on all ballot papers marked below-the-line were data-entered into the VEC’s computer count application. As a final step, prior to the calculation of the result, the total number of above-the-line ballot papers for each group was entered into the VEC’s computer-count application.<sup>941</sup>

During the recount, the VEC eliminated the human transcription error that occurred during the Northern Metropolitan region count, resulting in the election of a different fifth candidate.<sup>942</sup>

## Analysis of the Northern Metropolitan region count

Like many Victorians, the EMC remains concerned that the Northern Metropolitan region count was affected by some fundamental errors.

The EMC notes that the VEC provided clear statements to this inquiry about the data-entry issue, both in its submission, supplementary submissions and evidence at public hearings. In response to the error with the Northern Metropolitan region count, the EMC was pleased to hear Steve Tully, Electoral Commissioner of Victoria, outline new procedures for region counts:

We will rectify it by separating completely the counts for the regions. We will have them all transported to a regional centre, one person responsible for each region, and we will get our normal election managers out of the process, except for bundling up and sending them off. The scrutiny and the reporting will be quite clear. It will cost more money but that is what we will do, and we have made provision for that in our next budget.<sup>943</sup>

<sup>940</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 13.

<sup>941</sup> Victorian Electoral Commission, *Submission No. 20*, p. 82.

<sup>942</sup> Victorian Electoral Commission, *Submission No. 20*, p. 83.

<sup>943</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 13.

The EMC acknowledges that the VEC dealt with the Northern Metropolitan region count and recount process transparently and accountably.

The VEC's commitment to investigating scanning technologies to improve data-entry processes is welcomed by the EMC.

## Batching procedures

“Batching” refers to a term the VEC used throughout the inquiry to describe how it managed the large numbers of ballot papers for counting purposes. Evidence in this section focuses on batching in relation to the Legislative Council.

At the EMC's public hearings, Liz Williams, Deputy Electoral Commissioner of Victoria, informed the EMC about the VEC's batching processes:

All of the below the line ballot papers—and it was at the Melbourne Exhibition and Convention Centre, MECC, we call it—were batched into 50s as they were received after being reconciled against the records from each election office. They were all numbered and those batches are set up in the data-entry application. We can monitor the progress of data-entry as we go in terms of where batches are and how many ballot papers have been entered. At the end of the process we can check that all batches and ballot papers within those batches are accounted for. In terms of scrutineering—and we recognise that for scrutineers, it is more difficult for them to observe the process if that observation is by watching the data-entry operators because they are very quick. What we have implemented is the ability for scrutineers to request batch reconciliation reports. They will say, “Can I check or audit batch number 63?” and a report can be printed off showing the exact numbers or preferences that have been entered for each ballot paper in that batch. They can sit down and observe those ballot papers and check that the data-entry is exactly as is shown on the report. That audit process allows scrutineers to pick random batches and sit down and look to make sure the data-entry is exactly as the ballot paper is showing. The other report that enables scrutineers to keep up to date with how data-entry is going is one that provides first preference results. They are produced progressively during the count.<sup>944</sup>

Ms Williams suggested the VEC did not “pre-sort the ballot papers into first preferences”.<sup>945</sup> EMC member the Honourable Christine Campbell MP expressed concern that this did not occur:

Ms Campbell—What you were also going to, instead of having as you have described there “a batch” checked, that before the result was keyed into the computer that if, for argument's sake, there were 100 batches of 50 first preference for Liz, then someone had the ability to quickly check randomly a number of those batches to check they were all number 1 Liz.

Ms Williams—No, they are not sorted. They are all mixed. The advantage, we do not pre-sort the ballot papers into first preferences. We do not do that.

---

<sup>944</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 15.

<sup>945</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 15.

Ms Campbell—I thought you had me on side, but you have me worried again.<sup>946</sup>

Antony Green indicated his concerns with the batching of ballot papers:

[I]f you have hundreds of forms they have got to be batched, and you have got to be able to track back to where the information came from. I think they managed to do that but there was a possibility of too many votes being entered in. I have been involved with many elections where you get incorrect information piped in on the night.<sup>947</sup>

The EMC recognises that the batching of ballot papers is a necessary practice during Legislative Council election counts. The EMC therefore supports the VEC continuing to batch ballot papers at future Legislative Council elections.

Nevertheless, the EMC holds the view that current batching procedures could be improved. Specifically, the EMC would like to see the VEC improve verification procedures for batches. While the EMC is mindful that scrutineers are precluded from physically inspecting or handling batches, the EMC recommends that pre-sorting of ballot papers into batches of first preferences would improve the scrutineering of Legislative Council counts.

**Recommendation 9.4: The Victorian Electoral Commission considers pre-sorting ballot papers into batches of first preferences for Legislative Council counts.**

## Data-entry procedures

The EMC received evidence about the VEC’s data-entry procedures in the following areas:

- Scrutiny of electronic election counts;
- The VEC’s counting software and formula; and
- Computerised data-sorting techniques.

## Scrutiny of electronic election counts

The EMC received general comments from stakeholders about scrutiny arrangements during electronic election counts. Anthony van der Craats commented that one potential benefit of a manual counting system is that “scrutineers and individuals involved in the election can physically watch the transfer of ballot papers and have multiple opportunities to observe the allocation of preferences as they move throughout the manual counting cycle. With a computerised counting system a different approach is required”.<sup>948</sup> In addition, the Australian Greens (Victoria) expressed a view

<sup>946</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 14-15.

<sup>947</sup> A Green (Political Commentator), Australian Broadcasting Corporation, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 3.

<sup>948</sup> A van der Craats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

“that the count needs to be both transparent and seen to be transparent”.<sup>949</sup> Alison Clarke, Australian Greens’ (Victoria) Party Co-ordinator, elaborated further:

It is more difficult to scrutinise electronic votes than it is by hand vote, a paper count. Also because of that the perception of transparency can be reduced. We are not 100 per cent convinced that the benefits of electronic voting outweigh the drawbacks, that you lose some transparency, obviously there is some efficiency but whether that trade-off is worthwhile.<sup>950</sup>

## Comments about the VEC’s counting software and algorithm

The EMC also heard evidence about the VEC’s counting software, specifically the algorithm used by the computer program. The Australian Greens (Victoria) did not criticise the VEC’s algorithm, rather the affect of inaccurate data-entry error on public confidence in electoral processes.<sup>951</sup> Anthony van der Craats suggested the VEC’s software and electronic counting procedures could be improved. Specifically, he claimed the VEC’s computer program needed to include an “ability for the software to undertake a basic check and reconcile the total number of ballot papers received and recorded in the Commission’s database”.<sup>952</sup>

## Election reporting for results and auditing

The distinction between reporting for election results and election reporting for auditing, was an issue throughout the inquiry. EMC members and Antony Green discussed this at the public hearing. Antony Green expanded on comments in his submission to the inquiry that the reporting of election results should be the VEC’s first and foremost reporting function on election night, and that election night not be dominated by election reporting for auditing purposes. In his submission, Antony Green states:

The most critical aspect of the election count is to ensure that it is as accurate as possible on the night. Equally as important is to ensure that there are adequate batch and audit controls to ensure that any errors on the night can be located, and subsequent errors can always be undone by referring back to original documentation.<sup>953</sup>

## The VEC’s response

The VEC addressed the following data-entry issues in its evidence to the EMC.

---

<sup>949</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>950</sup> A Clarke (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>951</sup> Australian Greens (Victoria), *Submission No. 8*, p. 4.

<sup>952</sup> A van der Craats, *Submission No. 22*, p. 14.

<sup>953</sup> A Green, *Submission No. 10*, p. 2.

## Data-entry operators

At the public hearings, Liz Williams, Deputy Electoral Commissioner of Victoria, discussed how the VEC secures the services of skilled data-entry operators for computerised election counts:

We always employ our data-entry operators through agencies. We have specific competencies that we expect them to have in terms of speed and accuracy. ... Agencies respond by sending us data-entry operators which they say meet those particular competency levels. Sometimes that is the case, and certainly many of them exceed those levels, but we do get the odd data-entry operators that appear to fall below those. Now, in some situations where we think that there is an issue, the agency will come in and replace those data-entry operators. We do track how many batches they are completing.<sup>954</sup>

On this subject, the EMC accepted an invitation from the VEC to observe the conduct of the City of Boroondara Cotham ward by-election, held on 21 July 2007. At the by-election, the VEC provided the EMC with an opportunity to observe batching processes, scrutiny arrangements, and data-entry procedures. Members in attendance were impressed by the level of skill, speed and accuracy of the data-entry operators. The VEC informed the EMC that many were full-time IT or data-entry professionals with quantitative backgrounds, sourced from an employment agency. Members were also informed that the VEC monitors the performance of data-entry operators closely, and has procedures in place to detect and replace data-entry operators when performance falls below a certain standard.<sup>955</sup>

The EMC notes the VEC's practice of outsourcing data-entry work to skilled operators.

## Computer-count application

On a number of occasions in the post-election period, the VEC denied that its computer-count program was the source of errors in the Legislative Council count. In its submission, the VEC explains that its software was independently audited by BMM Testlabs.<sup>956</sup>

The EMC notes the VEC's computer-count application was not the cause of the error that occurred during the Northern Metropolitan region count.

## Scanning technologies

At the EMC public hearings, Steve Tully, Electoral Commissioner of Victoria, discussed the merit of scanning technologies as a strategy to mitigate data-entry errors at future elections:

---

<sup>954</sup> L Williams (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 18.

<sup>955</sup> Additional details about the EMC's attendance at the trial can be found at the EMC's website: [http://www.parliament.vic.gov.au/emc/2006%20State%20Election/site\\_visit.htm](http://www.parliament.vic.gov.au/emc/2006%20State%20Election/site_visit.htm)

<sup>956</sup> Victorian Electoral Commission, *Submission No. 20*, p. 67.

[W]e are aggressively going to look at scanning ballot papers to see what facility there are, particularly for the larger ballot paper which has previously been a real difficulty for scanners. I have seen some scanning equipment; our IT manager has seen some scanning equipment. We have confidence that a lot of things can be scanned. In terms of transparency, if it gets to that we could give the download file of all the scans and you go and count them yourself. We are hoping that scanning will lead to some of the resolution of the difficult issues that you have raised with scrutiny and computer accounts and data-entry. That is longer term, but we will not take our eye off it and we are hopeful we will get something out ... [for] local government elections.<sup>957</sup>

The VEC's submission also mentions scanning technologies:

The VEC will continue to investigate the feasibility of utilising scanning technology to replace the requirement to data enter ballot paper details for computer counting purposes. In doing so, the VEC will look at options to improve transparency for scrutineers and candidates.<sup>958</sup>

The VEC lodged a supplementary submission with the EMC about a pilot ballot scanning program it introduced as part of its *Corporate Plan 2007-2012*. According to the submission, the VEC plans to test this ballot scanning technology in a number of metropolitan councils during the 2008 council elections. At present, counting for these elections can either be done manually or using the VEC's computerised count application.<sup>959</sup>

For the pilot program, "data-entry of ballot paper preferences will be replaced with a scanning system called Intelligent Character Recognition (ICR)".<sup>960</sup> ICR is a form of optical character interface which recognises handwriting, with broad applications for different fonts and different styles of handwriting. In ICR systems, program code is designed so that the interface "learns" new forms of handwriting as it scans them. Steve Tully, Electoral Commissioner of Victoria, observed ICR systems at work during the 2007 Scottish Parliamentary elections.<sup>961</sup>

The VEC advises that "a special screen interface will allow election officials and scrutineers to examine any ballot papers for formality and voter preferences. All the data from the scanned documents will then be fed into the VEC's computer system, which will calculate the result and list elected candidates".<sup>962</sup>

The EMC notes the complexities of collating and capturing election results electronically, and the varying points of view heard during this inquiry about

---

<sup>957</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 20.

<sup>958</sup> Victorian Electoral Commission, *Submission No. 20*, p. 117.

<sup>959</sup> Ballot paper scanning pilot cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, pp. 1-2.

<sup>960</sup> Ballot paper scanning pilot cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 1.

<sup>961</sup> Ballot paper scanning pilot cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 1.

<sup>962</sup> Ballot paper scanning pilot cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 1.

the transparency of data-entry systems and electronic voting in general. Scanning technologies have the capacity to provide a mechanism to further improve the accuracy of computerised counts. The EMC anticipates further discussions about the benefits and application of this technology in Victoria as part of its self-generated inquiry into voter participation and informal voting.

The EMC looks forward to the results of the VEC's scanning pilot.

## Calculation of surplus value

Anthony van der Craats called for a review of the way the VEC calculates and transfers surplus values during the Legislative Council count. According to Anthony van der Craats, the current counting system:

[A]llocates any remainders that are left over in the count to a remainders column. As the count progresses the total value of remainders can become considerable and in a close election they would play a significant role in determining the order of elimination. With the use of electronic computer aided technology it is possible for the value of the remainder to stay with the value of the ballot paper being transferred again simplifying the counting process whilst maintaining the correct proportionality of the count.<sup>963</sup>

Anthony van der Craats requested that the Parliament of Victoria amend the "*Electoral Act 2002* and associated legislation to correct the method used in calculating the surplus transfer value of an elected candidate so that the calculation of the surplus transfer value of a candidate reflects proportionally the correct value of the vote".<sup>964</sup>

On 5 May 2008, the EMC self-generated a reference to inquire into voter participation and informal voting. The EMC expects to examine a wide range of issues relating to voter participation as part of its inquiry, including the calculation of votes in Legislative Council counts.

## Segmentation of count

Mary Levens, member of the public, in a submission to the inquiry considered procedures contained in the *Electoral Act 2002* to transfer votes – other than a candidate's first preferences – from one candidate to another. Mary Levens' submission outlines the current provisions in the Act for transferring votes from one candidate to another, and offers an alternative interpretation. Table 9.1 lists the differences between Mary Levens' recommendation, and the current procedure used by the VEC:

<sup>963</sup> A van der Craats, *Submission No. 22*, p. 17.

<sup>964</sup> A van der Craats, *Submission No. 22*, p. 17.



**Table 9.1: Differences between “suggested” procedure and “current” procedure**

| Mary Levens’ suggested procedure   | Current procedure used by the VEC  |
|--|--|
| Each <i>separate transfer</i> will include all and only those votes received from a single other candidate, that is, a <i>particular candidate</i> | All votes of the same transfer value are transferred at the same transfer regardless of the particular candidate from whom the votes were received |
| Votes received from each particular candidate will be transferred in descending order of transfer value within each <i>separate transfer</i>       | Votes are transferred in descending order of transfer value regardless of the particular candidate from whom the votes were received               |
| A critical decision is made at the end of each <i>separate transfer</i>  | A critical decision is made at the end of each transfer of votes of a common transfer value  |

Source: M Levens, *Submission No. 25*, p. 2.

Mary Levens asked the EMC to consider recommending changes to the *Electoral Act 2002*:

The interpretation and application of the *Electoral Act 2002* (Part 7, election results) S114A, 28(c) be corrected in the procedure used by the VEC to calculate Legislative Council elections ... [and] clarify the order of transfer of votes required by the correct application of the *Electoral Act 2002* (Part 7, election results), S114A, 12(b) and 28(c).<sup>965</sup>

The VEC responded to Mary Levens’ recommendations in a supplementary submission. The VEC stated that it held discussions with Mary Levens, in which it expressed a view “that its interpretation of the legislation is ... correct but that the provisions could be worded more clearly”.<sup>966</sup> In making this point, the VEC noted that proportional representation systems throughout Australia all have minor differences.<sup>967</sup>

The VEC’s response was informed by advice from VGSO on the provisions relating to the treatment of bundles in the *Electoral Act 2002*.<sup>968</sup>

The EMC acknowledges that the VEC’s interpretation of the legislation was endorsed by the VGSO.

<sup>965</sup> M Levens, *Submission No. 25*, p. 3.

<sup>966</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*, p. 1.

<sup>967</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*, p. 1.

<sup>968</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*, p. 1.

## Casual vacancies between elections

### Legislative Assembly

The Parliament of Victoria's Legislative Assembly Fact Sheet 20 describes events that may trigger a by-election for a particular Legislative Assembly District. In recent years, the Fact Sheet notes there have been a "roughly two or three by-elections each Parliament".<sup>969</sup> Events that may trigger a by-election include:

- Resignation or death of a previous member;
- Election of the member to the Commonwealth Parliament;
- The member fails to attend the Assembly without permission for an entire session; or
- The seat is vacated as it has been established that the member was not qualified to be elected as a Member of Parliament.<sup>970</sup>

For Legislative Assembly by-elections, the timetable is similar to general elections, except that:

- The process starts when the Speaker receives notification of the vacancy, such as receiving a letter of resignation; the member's seat becomes vacant at that point. The Speaker announces the resignation to the Assembly on the next sitting day.
- The Speaker, rather than the Governor, issues the writ. It must be issued within one month of the vacancy arising. Similarly, after the election the writ is returned to the Speaker with details of the successful candidate endorsed on it.<sup>971</sup>

Section 37 of the *Constitution Act 1975* describes how a member may resign his or her seat:

[A] letter addressed to the Speaker and on its receipt by the Speaker the seat of such member shall become vacant.<sup>972</sup>

The EMC heard from Anthony van der Craats about the filling of casual vacancies for the Legislative Assembly. Anthony van der Craats suggested that Victoria should adopt a practice similar to that in the Australian Senate where a representative from the registered political party associated with the

<sup>969</sup> Parliament of Victoria, "Fact sheet 20", *Legislative Assembly Fact Sheet*, 2005. Retrieved 10 May 2008 from <http://www.parliament.vic.gov.au/Assembly/facts20.html>.

<sup>970</sup> Parliament of Victoria, "Fact sheet 20", *Legislative Assembly Fact Sheet*, 2005. Retrieved 10 May 2008 from <http://www.parliament.vic.gov.au/Assembly/facts20.html>.

<sup>971</sup> Parliament of Victoria, "Fact sheet 20", *Legislative Assembly Fact Sheet*, 2005. Retrieved 10 May 2008 from <http://www.parliament.vic.gov.au/Assembly/facts20.html>.

<sup>972</sup> *Constitution Act 1975* s 37(37).

vacated member is chosen to fill the vacancy.<sup>973</sup> He said the idea was “canvassed at one stage by the Hon[ourable] Jeff Kennett ... when he was Premier”.<sup>974</sup>

The VEC responded to Anthony van der Craats’ recommendation in a supplementary submission:

This would require legislative change and is clearly a matter for the Parliament. However, the Committee may note that where elections for different levels of Government have occurred on the same day, it has caused significant elector confusion. In every level of Government in every jurisdiction in Australia, there are by-elections to fill single vacancies.<sup>975</sup>

The EMC supports the current procedure for filling casual vacancies in the Legislative Assembly.

## Legislative Council

At the 2006 Victorian state election a new system was introduced to fill casual vacancies in the Legislative Council. Casual vacancies in the Council arise when a member dies or resigns during the parliamentary term. According to the Parliament of Victoria’s Legislative Council Information Sheet 16, “if a vacancy arises a joint sitting of Parliament is required to select a new Member to fill the vacancy”.<sup>976</sup> If the vacating member was elected as a member of a political party, the joint sitting must select a person nominated by that political party.<sup>977</sup>

Alternatively, if the member was an independent, “the joint sitting is required to select a new Member that has not been a member of a political party for five years and has lived for twelve months in the region that is being vacated. In order for the independent Member to gain selection they must obtain three fifths of the support of all Members voting at the joint sitting”.<sup>978</sup>

Section 27(a) of the *Constitution Act 1975* refers to the filling of casual vacancies in the Legislative Council.<sup>979</sup>

Anthony van der Craats proposed a count-back process to fill casual vacancies in the Legislative Council:

---

<sup>973</sup> A van der Craats, *Submission No. 22*, p. 13.

<sup>974</sup> A van der Craats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>975</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 3.

<sup>976</sup> Parliament of Victoria, “A new electoral system for Victoria’s Legislative Council”, *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

<sup>977</sup> Parliament of Victoria, “A new electoral system for Victoria’s Legislative Council”, *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

<sup>978</sup> Parliament of Victoria, “A new electoral system for Victoria’s Legislative Council”, *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

<sup>979</sup> *Constitution Act 1975* s 27(a).

Consideration should be given to the adoption of a *count-back* process, similar to the process covered in the Local Government Act related to multi-member electorates, in order to fill any casual vacancies in the Legislative Council.<sup>980</sup>

In response to Anthony van der Craats' recommendation, the VEC advised;

The current legislation provides a clear process for filling casual vacancies that may arise in the Legislative Council. Any change to this arrangement is clearly one for the Parliament and would require an amendment to the Constitution Act. The VEC conducts count-backs for multi-member Local Government elections and has the system to provide the facility should Parliament determine that it wants to move in that direction.<sup>981</sup>

The EMC notes that the current model for replacing casual vacancies in the Legislative Council was recommended by the Constitution Commission of Victoria, and endorsed by the passing of the *Constitution (Parliamentary Reform) Act 2003*.

EMC members participated in the new procedure for filling a casual vacancy on 8 May 2008, with the joint sitting of both Houses of the Victorian Parliament to elect a replacement for Victorian senator Robert Ray. The EMC notes that the joint sitting was a successful and transparent process.

The EMC supports the current procedure for filling casual vacancies in the Legislative Council.

## Informal voting

### Formal and informal voting

A correctly filled out ballot paper is known as a formal vote. The *Electoral Act 2002* stipulates how ballot papers should be correctly completed. For example, section 93 and section 93a of the Act provide instructions on how to complete the Legislative Assembly ballot paper and Legislative Council ballot paper respectively. An informal or invalid vote is any completed ballot paper which falls outside of these parameters.<sup>982</sup>

The VEC's *Scrutineer Handbook* contains a formality guide for both districts and regions. The Handbook contains written instructions and a number of different graphical representations of varying types of formal and informal district and region ballot papers.<sup>983</sup>

The VEC's *Scrutineer Handbook* provides interpretation advice for determining the formality of Legislative Assembly district votes:

<sup>980</sup> A van der Craats, *Submission No. 22*, p. 13.

<sup>981</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*, p. 3.

<sup>982</sup> *Election Act 2002* s 93(a).

<sup>983</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, pp. 13-14, 16-20.

- Each ballot-paper must have a number 1 in, or adjacent to, or level with one box;
- All boxes should be numbered using the full sequence of numbers as indicated on the ballot paper. The only exception is where one box is left blank and would logically have contained the last preference, i.e. with 6 candidates, the number 6 may be omitted;
- More than one box left blank makes the vote informal;
- Any duplication or omission of a number from the sequence makes the vote informal;
- Numbers next to, or on the other side of the names, are acceptable providing the voter's intention is clear;
- Amendments are acceptable providing the voter's intention is clear. All other marks are to be ignored; and
- The number "0" (zero) makes the vote informal.<sup>984</sup>

In addition, the *Scrutineer Handbook* provides interpretation advice for determining the formality and informality of Legislative Council region votes. This advice extends to votes cast above the line, below the line and where ballots have been marked both above and below the line.<sup>985</sup>

For ballot papers marked **above the line**, ballot papers are *formal* if:

- The number one appears by itself;
- A tick appears by itself;
- A cross appears by itself; or
- A single first preference and second, third etc. preference appears (the numbers after 1 are ignored).<sup>986</sup>

Alternatively, ballot papers marked **above the line** are *informal* if:

- The number 1 appears more than once;
- The 1 and a tick appear in different boxes;
- The number 1 and a cross appear in different boxes;

---

<sup>984</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 12.

<sup>985</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 15.

<sup>986</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 15.

- A tick and a cross appear in different boxes;
- A tick appears more than once in different boxes; or
- A cross appears more than once in different boxes.<sup>987</sup>

For ballot papers marked **below the line**, ballot papers are *formal* if:

- At least the numbers 1 to 5 appear in sequential order.<sup>988</sup>

Alternatively, ballot papers marked **below the line** are *informal* if:

- The number 1 does not appear against any candidate's name (a tick or a cross is not acceptable below the line on a region ballot paper);
- Any of the numbers 1 to 5 are repeated against two or more candidates' names; or
- Any of the numbers between 1 and 5 are missing.<sup>989</sup>

## Incidence of informal voting at the 2006 Victorian state election

The VEC's submission provides analysis of the results of the 2006 Victorian state election, with a specific focus on rates of informal voting. It also includes a district by district breakdown of rates of voter turnout for each Legislative Assembly electoral district and each Legislative Council electoral region.

The EMC notes the VEC's analysis of informal voting in its submission.

### Informal voting for the Legislative Assembly

According to the VEC, the informal voting rate for the Legislative Assembly increased from 3.42% at the 2002 Victorian state election to 4.56% at the 2006 Victorian state election.<sup>990</sup>

The EMC notes that this is the highest ever recorded rate of informal voting for the Legislative Assembly at a Victorian state election.

---

<sup>987</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 15.

<sup>988</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 15.

<sup>989</sup> Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p. 15.

<sup>990</sup> Victorian Electoral Commission, *Submission No. 20*, p. 90.

## Informal voting for the Legislative Council

According to the VEC, the informal voting rate for the Legislative Council rose from 3.67% at the 2002 Victorian state election to 4.28% at the 2006 Victorian state election.<sup>991</sup>

The EMC notes the VEC's observation that these increases coincided with the introduction of a new voting system for the Legislative Council.

## The VEC's informal voting survey

Changes to the method of voting for the Legislative Council and the record level of informal voting in the Legislative Assembly prompted the VEC to conduct an informal voting survey. The survey covered nine Legislative Assembly districts, and two Legislative Council regions.<sup>992</sup>

On 5 May 2008, the EMC self-generated a reference to inquire into voter participation and informal voting. The EMC expects to examine a wide range of issues relating to informal voting as part of its inquiry, including the incidence of informal voting at the 2006 Victorian state election.

The EMC is of the view that the VEC's informal voting survey will be of great value to the EMC during the inquiry. The EMC thanks the VEC for preparing a comprehensive survey of informality at the 2006 Victorian state election.

## Issues related to informal voting at the 2006 Victorian state election

### Interpreting the formality of some Legislative Council ballots

The Australian Greens (Victoria) claimed that during the Legislative Council count, there was a degree of uncertainty amongst scrutineers and candidates as to how to treat particular types of informal ballots. The Australian Greens (Victoria) discussed the numbers "2" and "3" and accepted that there will always be debate about how these figures are interpreted due to differences in handwriting styles. The Australian Greens (Victoria) also raised the following interpretation issues:

- Votes cast below the line had incomplete numbering; and
- As time passed and staff became tired, the standards of acceptable votes relaxed.<sup>993</sup>

A study conducted by the AEC into informality rates at the 2004 House of Representatives federal election reported that informal votes were categorised as:

---

<sup>991</sup> Victorian Electoral Commission, *Submission No. 20*, p. 90.

<sup>992</sup> Victorian Electoral Commission, *Submission No. 20*, p. 90.

<sup>993</sup> Australian Greens (Victoria), *Submission No. 8*, p. 1.

- Some ballots were left blank;
- Marked with a number “1” only;
- Marked with ticks and crosses;
- Numbered using the Langer-style (e.g. 1, 2, 3, 3, 3 ...);
- Featured non-sequential numbering (e.g. 1, 2, 400, 327...);
- Self-identification of voter;
- Marks on the ballot and no preference stated;
- Slogans making preferences indecipherable; and
- The use of symbols<sup>994</sup>

The Australian Greens (Victoria) “believe that as far as possible the electoral act, or a specific by-law, should spell out which [category] will be used prior to the election”.<sup>995</sup>

The VEC addressed the Australian Greens’ (Victoria) claims in a supplementary submission to the inquiry:

The VEC’s view is that ballot papers marked with the numbers 1,2,3,5,6 are not ambiguous and must be treated as informal. Ref S. 93A and 112 of the *Electoral Act 2002*. “An elector must mark the elector’s vote on the ballot paper by placing the number 1 opposite the name of the candidate for whom the elector votes as first preference and at least the numbers 2, 3, 4 and 5 opposite the names of the remaining candidates so as to indicate by unbroken numerical sequence the order of preference of contingent votes”.<sup>996</sup>

The VEC also commented on formality interpretation arrangements in the *Electoral Act 2002*, where the Electoral Commissioner provides a final ruling on the formality of contested ballots:

In addition, the current legislation requires the Electoral Commissioner to rule on challenged ballot papers in a recount. This provides consistency in formality decisions.<sup>997</sup>

The EMC expects that the issue of formality interpretation will be addressed comprehensively in its final report to Parliament on voter participation and informal voting.

<sup>994</sup> G Dario, *Research report no. 7: Analysis of informality during the House of Representatives 2004 election*, Australian Electoral Commission, Canberra, 2005, p. 8.

<sup>995</sup> Australian Greens (Victoria), *Submission No. 8*, p. 4.

<sup>996</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.

<sup>997</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 4.



## Incidence of informal voting at the Albert Park District and Williamstown District by-elections

The VEC's report on the Williamstown District by-election and Albert Park District by-election included analysis of the rate of informal voting at these by-elections.

According to the VEC, the rate of informal voting "was higher at the by-elections than in those districts at the 2006 Victorian state election".<sup>998</sup> In Albert Park District, informal voting increased from 4.33% at the 2006 Victorian state election to 7.47% at the 2007 by-election.<sup>999</sup> In Williamstown District, informal voting increased from 5.63% at the 2006 Victorian state election to 6.79% at the 2007 by-election.<sup>1000</sup>

The VEC's report on the by-elections indicated that the VEC conducted an analysis of the rate of informality at these by-elections, using the same formula it used for its informal voting survey of the 2006 Victorian state election.<sup>1001</sup>

The EMC notes these figures, and anticipates that they will be considered further as part of its inquiry into voter participation and informal voting.

---

<sup>998</sup> Victorian Electoral Commission, *Submission No. 28*, p. 4.

<sup>999</sup> Victorian Electoral Commission, *Submission No. 28*, p. 21.

<sup>1000</sup> Victorian Electoral Commission, *Submission No. 28*, p. 21.

<sup>1001</sup> Victorian Electoral Commission, *Submission No. 28*, p. 21.

---

## Chapter Ten: Communicating the results

This chapter considers how the results of the 2006 Victorian state election were published and disseminated. The chapter includes discussion about the Victorian state tally room, the VEC's *Report to Parliament*, and the VEC's media relations.

### Victorian state tally room

#### Future of the Victorian state tally room

At each Victorian state election, the VEC establishes an election night tally room, which can be accessed by the media, political parties, candidates and the general public.

At the 2006 Victorian state election, the tally room was located at the MECC.<sup>1002</sup>

For the 2006 Victorian state election, the tally board took the form of a large format electronic display, where previously it had been a wooden board several stories high. The electronic board displayed up to 48 electorates at a time and was updated every five minutes as data was keyed into the VEC's Election Management System at election offices. The same data also appeared on the VEC's website as a virtual tally room (VTR).<sup>1003</sup>

Across Australia, the election night tally room has long been a focal point for media, party and public access to election results, and a highly visible way for the public to gather to view election results. Reporting on the November 2007 federal election, the *Canberra Times* headlined the (national) tally room as a "raucous shrine to democracy",<sup>1004</sup> and quoted an enthusiastic observer present at the national tally room as saying:

---

<sup>1002</sup> The VEC indicated that it preferred this venue, as it was the only venue large enough to accommodate its tally board. See Victorian Electoral Commission, *Submission No. 20*, p. 55.

<sup>1003</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20*, *Supplementary No. 7*, p. 1.

<sup>1004</sup> J Wright, "Tally Room a raucous shrine to democracy", *The Canberra Times*, 25 November 2007. Retrieved 10 May 2008 from <http://canberra.yourguide.com.au/news/local/news/general/tally-room-a-raucous-shrine-to-democracy/463258.aspx>.

This is the people's room, a real chance to get in and be part of the electoral process. It is part of our heritage and culture and it should never be closed, for any reason.<sup>1005</sup>

Both in a supplementary submission to the EMC and its submission on the 2006 Victorian state election, the VEC requested that the EMC provide an indication about whether it would be advisable to continue a tally room service on election night. In these documents, the VEC cited the following circumstances as having an influence on the utility of the tally room:

- Technological change, particularly in information technology.<sup>1006</sup>
- Faster XML feeds direct to media agencies provide the agencies with more detail in real time than can be shown on a tally board.<sup>1007</sup>
- Political parties generally hire a venue at which they conduct post-election celebrations. As a consequence, few politicians actually attend the tally room – in fact, “the last time a Premier attended the tally room in Victoria at a general election was 1992”.<sup>1008</sup>
- Less media presence in the tally room, due to operating budgets.<sup>1009</sup>
- Less attendees: attendance fell from 550 at the 2002 Victorian state election to 180 at the 2006 Victorian state election.<sup>1010</sup>
- Cost: in a supplementary submission, the VEC states that the key direct costs for the 2006 Victorian state election tally room were \$320,000.<sup>1011</sup>

In addition, as part of its formal election evaluation processes, the VEC surveyed interested stakeholders, including voters, candidates, political parties and the print media. One question in the evaluation was whether the tally room should continue.<sup>1012</sup> The VEC advised the results for the survey were somewhat inconclusive:

---

<sup>1005</sup> J Wright, "Tally Room a raucous shrine to democracy", *The Canberra Times*, 25 November 2007. Retrieved 10 May 2008 from <http://canberra.yourguide.com.au/news/local/news/general/tally-room-a-raucous-shrine-to-democracy/463258.aspx>.

<sup>1006</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 1.

<sup>1007</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 1.

<sup>1008</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, pp. 1-2.

<sup>1009</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 2.

<sup>1010</sup> Victorian Electoral Commission, *Submission No. 20*, p. 59.

<sup>1011</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 2.

<sup>1012</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 3.

[M]any print journalists had commented beforehand that they would probably retrieve the election results for reporting from the VEC's website.<sup>1013</sup>

The VEC also reported that some parties:

[A]cknowledged that the tally room is not really necessary, but saw it as part of the political theatre of the election.<sup>1014</sup>

The EMC did not receive a great deal of evidence about the tally room, other than that from Antony Green, political commentator. In his submission he discussed the future of the tally room, pointing “out that the feed changes, along with the continuing use of the internet to publish results, means that media organisations no longer need to attend a central tally room to obtain results”.<sup>1015</sup> Antony Green concluded “it may yet be that the 2006 election will be the last Victorian election to be conducted with a full tally room”.<sup>1016</sup>

## The National tally room

The EMC examined other jurisdictions' experiences with the tally room. The EMC noted that in 2007, the Commonwealth Parliament's JSCEM inquired into certain aspects of the AEC. JSCEM received evidence on a wide range of issues, including the future of the National Tally Room (NTR). JSCEM found that there was a strong case to support the continuation of the NTR, based on its symbolic value.

The EMC is of the view that the Commonwealth Parliament's JSCEM's finding in relation to the tally room was a sound one, in light of the evidence it received. The EMC notes the following deliberations from the Commonwealth Parliament's JSCEM:

The committee supports the continuation of the NTR given its historical place in Australian politics and elections. Australia is one of the world's longest running democracies, and needs to value its history and traditions. Furthermore, the committee notes, there is a value—and logic—in having a central tally room in the national capital for the federal election. This value extends far beyond dollar or logistical considerations. ... There is a view that, by providing a focal point for the display of results on election night, the NTR actually promotes a visible symbolism of transparency in the election process. As one of the AEC's stakeholders suggested, “Democracy, like justice, needs not only to be done but be seen to be done.” The committee is of the view that the abolition of the NTR would have a negative impact on the perception of the transparency of elections.<sup>1017</sup>

The EMC was also interested to learn that Antony Green contributed to the Commonwealth Parliament's JSCEM inquiry. The EMC found his evidence

<sup>1013</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 2.

<sup>1014</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 2.

<sup>1015</sup> A Green, *Submission No. 10*, p. 2.

<sup>1016</sup> A Green, *Submission No. 10*, p. 1.

<sup>1017</sup> Parliament of Australia, *Review of certain aspects of the administration of the Australian Electoral Commission*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 53.

to the Commonwealth Parliament's JSCEM amplified his comments to the EMC, and those from the VEC's survey, in relation to the symbolic value of the tally room:

[I]t would be sad to see it [the tally room] go; it is fun to be there.<sup>1018</sup>

That is the biggest thing we would miss if there was not a tally-room. Australians are used to having the buzz.<sup>1019</sup>

The EMC notes the outcome of the Commonwealth Parliament's JSCEM inquiry, the results of the VEC's survey, and Antony Green's evidence to both JSCEM and the EMC. All point to the symbolic role the election night tally room plays in the Australian political experience.

## Other state tally rooms in Australia

All Australian states have an election night tally room, though, as the VEC notes, experiences vary considerably.

In some states, the tally room plays a prominent role on election night. In Queensland, the "tally room is well attended and a real focal point for the election given it is currently the only mainland state that continues to have the party leaders attend on election night to concede or accept victory".<sup>1020</sup> Similar support for a tally room exists in Tasmania and the ACT.

WA, SA and NSW differ to Queensland, Tasmania and the ACT. In Western Australia, the VEC states that there was apparently "no public interest [in the tally room] and party leaders did not attend, although there was a good degree of political and media interest".<sup>1021</sup> In South Australia, "there was very limited political and media presence and the electoral office there is considering whether to continue with the tally room".<sup>1022</sup> NSW has had similar discussions to Victoria about the future of the tally room. The 2007 NSW state election tally room was located in Sydney's Olympic Park complex. The VEC reveals that in view of the poor patronage and the increasing use of the internet as the primary source of election results, the NSW Electoral Commission proposes not having a tally room at the next state election.<sup>1023</sup>

---

<sup>1018</sup> Parliament of Australia, *Review of certain aspects of the administration of the Australian Electoral Commission*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 46.

<sup>1019</sup> Parliament of Australia, *Review of certain aspects of the administration of the Australian Electoral Commission*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007, p. 46.

<sup>1020</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 3.

<sup>1021</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 3.

<sup>1022</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 3.

<sup>1023</sup> Continuation of tally room cited in Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*, p. 3.

## EMC's view

The EMC recommends the tally room be retained for the 2010 Victorian state election.

The EMC does not view cost alone as sufficient justification for closing the tally room. While the EMC notes the Victorian tally room will never attract the same sort of attendance as the NTR, it is clear that the tally room has a place in Victoria's democratic history, and that this history is difficult, if not impossible, to attach a monetary value to. Consequently, the EMC would like to see a more multi-faceted argument from those in favour of closing the tally room.

The EMC is of the view that the tally room could be made more relevant. One initiative could be to change its location, to befit the largely symbolic role it serves on election night. A new location may reinvigorate public interest in the tally room, and encourage increased attendance.

**Recommendation 10.1: The state tally room is retained for the 2010 Victorian state election.**

**Recommendation 10.2: The Victorian Electoral Commission considers ways to reinvigorate interest in the tally room, whether through a new venue and or an increased public awareness campaign.**

## VEC's Report to Parliament on the 2006 Victorian state election

The VEC is required by section 8 of the *Electoral Act 2002* to report to each House of Parliament within 12 months of an election.<sup>1024</sup> The Act does not specify what the report should contain or the manner in which it should be presented. Consequently, at present the contents of the report are determined by the Electoral Commissioner.

The EMC congratulates the VEC on the timeliness and content of the *Report to Parliament* on the 2006 Victorian state election. The report was tabled in Parliament on 18 July 2007, well within the 12-month statutory deadline. EMC members appreciate the VEC's efforts to table the report ahead of schedule. It was important to the EMC that for its first review of a Victorian general election the report was available in advance of the public hearings, held in August 2007. Early access to the report enabled the EMC to understand the more salient points relating to the conduct of the 2006 Victorian state election, from the VEC's perspective.

At the public hearings, EMC members conveyed their appreciation to Steve Tully, Electoral Commissioner of Victoria, on the timeliness and content of the *Report to Parliament*.

<sup>1024</sup> *Electoral Act 2002* s 8.

[T]hankyou very much for releasing the report [on the 2006 Victorian state election] early. I understand it was due to be released in November but you have brought it forward.<sup>1025</sup>

On a broader issue I think the VEC has been very responsive during this process and has provided an excellent report to the committee and to the parliament.<sup>1026</sup>

First of all, thank you for the report [on the 2006 Victorian state election]. I found it a very good report, ... congratulations on that and your timeliness ... presenting to parliament.<sup>1027</sup>

The EMC notes that the *Report to Parliament* was well received. Nevertheless, concern was expressed about the lack of information in the *Report* regarding ticket votes. Antony Green stated:

[H]aving now seen the reports that the electoral commission has published to Parliament, I do not think there is nearly enough acknowledgement of the ticket votes in the published results. I found it rather difficult to find where the number of ticket votes for each party is reported in the returns. Given that ticket votes — the group votes — were so important to the results and how preferences were distributed in the upper house, I think they should be identified a little more clearly in the reports.<sup>1028</sup>

Geoffrey Goode, President of PRSAV–T, also noted that the VEC’s *Report to Parliament*:

[C]onflated the “above the line” votes with the “below the line” first preference votes for those candidates whose names appeared at the top of each of the party columns. PRSAV-T Inc notes that the Australian Electoral Commission (AEC) is more helpful in this respect, as it provides distinctly separate totals of “below the line” first preference votes and corresponding “above the line” votes, and that it asks the Committee to recommend the VEC should be required to do the same.<sup>1029</sup>

The EMC reviewed the practices of electoral administrators in other Australian jurisdictions. The EMC found that few states prescribe specific requirements for electoral commissions. For instance, the Queensland Electoral Commission is required to, “as soon as practicable after the return of the writ for an election, give to the Minister a report on the operation of part 6 in relation to the election”.<sup>1030</sup> Federally, the *Commonwealth Electoral Act 1918* requires the Electoral Commissioner to:

[A]s soon as practicable after the polling day in:

- (a) a general election and any Senate election that had the same polling day as that general election; or
- (b) a Senate election (other than a Senate election referred to in paragraph (a));

---

<sup>1025</sup> Adem Somyurek MLC cited in S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 4.

<sup>1026</sup> Robin Scott MP cited in S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>1027</sup> Peter Hall MLC cited in S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 7.

<sup>1028</sup> A Green (Political Commentator), Australian Broadcasting Corporation, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 7.

<sup>1029</sup> Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*, p. 1.

<sup>1030</sup> *Electoral Act 1992* (QLD) s 19(2).

prepare and furnish to the Minister a report of the operation of Part XX in relation to that election or those elections.<sup>1031</sup>

In Victoria, as noted earlier in this section, the *Electoral Act 2002* requires the Electoral Commissioner only “to report to each House of Parliament within 12 months of the conduct of each election on the administration of that election”.<sup>1032</sup>

The EMC is of the view that expanding the VEC’s reporting role requires additional research. The VEC’s *Report to Parliament* – and the VEC’s report on the Albert Park District and Williamstown District by-elections – are comprehensive documents. In addition, the EMC is reluctant to recommend legislative prescriptions for specific information, for fear of excluding relevant issues. The EMC holds the view that this is a process better left to the VEC to determine in consultation with its stakeholders, the general public and the EMC.

The EMC recognises that the VEC’s reporting activities might be enhanced by a degree of procedural clarity.

While the Electoral Commissioner is required to report to each House of Parliament within 12 months of the conduct of each election by submitting the report to the Presiding Officer of each House for presentation to Parliament, the annual report of the activities of the VEC office is submitted to the Attorney-General pursuant to the *Financial Management Act 1994*.

Given that the Electoral Commissioner is an independent officer of the Parliament, the EMC believes the VEC’s report should also be submitted directly to the two Presiding Officers of the Parliament for presentation directly to the Parliament. This requirement would be similar to that of the Auditor-General and the Ombudsman, both independent officers of Parliament, who present their annual reports directly to the two Presiding Officers, pursuant to the *Audit Act 1994* and the *Ombudsman Act 1973*.

To reinforce this point, the EMC draws attention to the second reading speech of the then Premier the Honourable Steve Bracks MP when he introduced the *Constitution (Parliamentary Reform) Bill 2003* enabling the Electoral Commissioner and the Ombudsman to be independent officers of the parliament:

New sections will also be inserted into the constitution which make the Electoral Commissioner and the Ombudsman independent officers of the Parliament. This means these important office-holders will be responsible to the Parliament, not the government, and can only be dismissed by the Parliament.<sup>1033</sup>

<sup>1031</sup> *Commonwealth Electoral Act 1918* s 17(2).

<sup>1032</sup> *Electoral Act 2002* s 8.

<sup>1033</sup> S Bracks MP, *Parliamentary debates*, Legislative Assembly, Parliament of Victoria, Melbourne, 27 February 2003, p. 162.



**Recommendation 10.3: The Victorian Government considers removing the annual reporting requirement of the Victorian Electoral Commission from the *Financial Management Act 1994* and inserting this reporting requirement into the *Electoral Act 2002* with the express provision that the report is presented directly to the two Presiding Officers of the Parliament, for presentation to Parliament.**

## VEC and the media

### Pre-election consultation between the VEC and media stakeholders

In the lead up to the 2006 Victorian state election, the VEC consulted with the media, political parties, commentators, community representatives and other interested groups to discuss stakeholder requirements, and how it would transmit electoral data. According to Steve Tully, Electoral Commissioner of Victoria, the VEC embraces a wide reporting role:

It [the VEC] meets with the media, parties, commentators and community representatives at an early stage, sometimes 12 to 18 months out from an election, to get an understanding of the need to meet their requests. Systems are subsequently developed, tested and implemented as agreed.<sup>1034</sup>

Antony Green advised the EMC that these discussions had resulted in two key media feed changes for the 2006 Victorian state election.

- The adoption of “XML” for the creation of electronic data files; and
- Electoral authorities publishing electoral results on their website for the media, bloggers, political parties and interested individuals and organisations to download.<sup>1035</sup>

The VEC advised of their reporting activity on election night:

[E]lection night results handling is not a regulated activity and the VEC provides data feeds to electoral commentators from all media sources in an agreed format. The same feed is used to update results that appear on the VEC’s website and includes 2CP indicative counts, again are not prescribed by the law. The VEC’s website is then updated throughout the following days as counting proceeds and again this is not prescribed by law. However, from a transparency perspective it is considered to reflect good modern election practice, and led to some parties and candidates recognising that results in two upper house regions were going to be close for the last vacancy.<sup>1036</sup>

Steve Tully, Electoral Commissioner of Victoria, characterised the VEC’s reporting of the election on their website (by way of the virtual tally room):

---

<sup>1034</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 2.

<sup>1035</sup> A Green, *Submission No. 10*, p. 2.

<sup>1036</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 5.

Our reporting to the media is all done at their request. We sit down a long time out from an election and say, "What do you want?" and we tailor our systems around those needs. ... [Antony Green] was very clear that he did not want a lot of junk in his files, anything that would slow down the count. He wants early predictors and he wants it in this format and we do everything we can. We have Channel 9 in there, we have the Herald Sun who are interested in taking results and we tailor stuff around that. But at the end of the day, that all happens out of goodwill and lack of prescription. We do it because we think it is the right thing to do. I know there are other people who say, "Clearly your system should be all electronic and all up here and all transparent". Maybe they should, but they have not been designed that way. Maybe we can react to that. The thing is, we cannot react in the week leading up to an election. It has to be done earlier. It has to be tested properly. We are used to dealing with callers rather than election results. What callers want is hard-sign returns; here is where it is current. All of those returns are out there. We can recalculate them and bring them all in. But they are all in boxes and they are all secure. They have not been designed. Now, next time we will sit down with the parties again—and ... say, "This is what we want", and we will provide it. But we cannot do it at a whim, at the last minute. To answer your question, I thought we were bold in our internet update service. I think it was a really good effort first time around. I thought our external reporting to the media was what they wanted. That must have been okay. Our internal controls I thought were okay, except that obviously we missed that one in the Northern Metropolitan region.<sup>1037</sup>

The EMC notes that the two media changes introduced for the 2006 Victorian state election as a result of discussion between the VEC and the media were well received, as indicated in evidence to this inquiry.

The EMC notes the assurances by Steve Tully, Electoral Commissioner of Victoria, that the VEC would consider additional requests for electoral information from the media and commentators.

The VEC's report to Parliament on the Williamstown District by-election and Albert Park District by-election notes that "progressive generation of results was communicated through the VEC's website on the night of the election, every 15 minutes from one hour after the polls closed until 10.15pm", by which time the results were known.<sup>1038</sup>

The EMC is of the view the timing of information posts on the VEC's website was sufficient for the by-elections.

## Publication of provisional Legislative Council results

Submissions expressed concern at the lack of provisional election results published for the Legislative Council. Antony Green suggested the EMC consider the ACT Electoral Commission's practice of publishing regular updates on the distribution of preferences. He said:

As far as I understand, there is nothing to prevent similar distributions to be conducted in Victoria. At the end of each days data-entry, all votes currently in the

<sup>1037</sup> S Tully (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, pp. 19-20.

<sup>1038</sup> Victorian Electoral Commission, *Submission No. 28*, p. 17.

data-entry system could be transferred to the software used to undertake the distribution of preferences. In the case of close counts at the 2006 Victorian election, these provisional counts could have helped remove some of the ambiguity in the result. ... My view is that it is better for the VEC to publish these provisional counts than for the Commission to release the data files of ballot papers.<sup>1039</sup>

**Steve Tully, Electoral Commissioner of Victoria, advised:**

The VEC will continue to work collaboratively with the AEC and other States with similar upper house provisions to explore the best method for capturing and reporting upper house results that reflect the different levels of detail required at different points in the timeline. ... As Mr Green has highlighted, the VEC has attempted to respond to all media needs and will continue to do so.<sup>1040</sup>

The EMC looks forward to the VEC implementing improvements to the way it collates and reports Legislative Council results prior to the 2010 Victorian state election. However, these improvements should not affect the transmission of results for the Legislative Assembly.

## Full declaration of results for the Legislative Council

The Australian Greens (Victoria) noted that the VEC did not provide booth-by-booth data for the Legislative Council at the 2006 Victorian state election:

The VEC has not made available booth-by-booth data for the Legislative Council. It is not clear why this is the case, since such information is provided by the AEC for Senate elections, and by most other state commissions for houses elected by proportional representation.<sup>1041</sup>

**Geoffrey Goode, President of PRSAV-T, noted:**

That seems to me a matter of concern, particularly on the very first election when this was a new feature for Victoria. Nobody could really offer any meaningful precise comment about it apart from expressing concern. That is what we are expressing. We are unable to make any numerical comment about it, whereas in the Australian case we could. We hope that the committee would put as a recommendation that in future the VEC follow the Australian Electoral Commission pattern in disclosing those.<sup>1042</sup>

The EMC notes the AEC's practice of publishing booth-by-booth results for Australian Senate elections. The EMC would like to see the VEC provide booth-by-booth data for future Legislative Council elections.

**Recommendation 10.4: The Victorian Electoral Commission considers publishing booth-by-booth data for future Legislative Council elections.**

---

<sup>1039</sup> A Green, *Submission No. 10*, p. 5.

<sup>1040</sup> Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*, p. 5.

<sup>1041</sup> Australian Greens (Victoria), *Submission No. 8*, p. 2.

<sup>1042</sup> G Goode (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 2.

## Publication of post-election results

### Regular website updates

Several stakeholders expressed concern about a lack of regular updating of electoral information on the VEC website after the 2006 Victorian state election. Antony Green said:

I will acknowledge in relation to post-election counting that updating is not continuous. Counting of declaration votes tends to be undertaken in batches, which means results are not constantly updated. ... Some attention should be given to improving post-election processing so that result updates are more regular, and in the case of the Legislative Council, more meaningful.<sup>1043</sup>

According to Anthony van der Craats:

[I]t is important that the principle of providing information is very much addressed. It should not be required to wait three months to get what should have been made available on the election night or soon after on the declaration itself.<sup>1044</sup>

The EMC notes that in the post-election period, the VEC updates results on its website twice daily. With the increasing importance of the VEC's website as a communication tool, the EMC encourages the VEC to publish updates on its website at other times when new information becomes available.

### Two-party preferred figures

In its submission the VEC stated that since 1985, it has (and its predecessor the State Electoral Office) "prepared two-party-preferred vote statistics for each State election. The purpose of the two-party-preferred vote is to show, for each electorate and for the state as a whole, how the vote was divided between the Australian Labor Party, the Liberal Party of Australia and The Nationals, taking into account the preferences of people who vote for minor parties and independents".<sup>1045</sup>

The EMC heard from Malcolm Mackerras, psephologist, about the VEC's delay in publishing two-party preferred figures:

I just would like to see this material collected three months sooner following the next state election than was the case for the 2006 election.<sup>1046</sup>

In response, Steve Tully, Electoral Commissioner of Victoria, advised the EMC that:

[T]he two-party preferred count is obtained for information purposes only. It provides a measure – in each district – and for the State as a whole – of support for the

<sup>1043</sup> A Green, *Submission No. 10*, p. 4

<sup>1044</sup> A van der Craats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p. 6.

<sup>1045</sup> Victorian Electoral Commission, *Submission No. 20*, p. 104.

<sup>1046</sup> M Mackerras (Visiting Fellow), University of New South Wales, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

parties most likely to form government. The two-party-preferred vote does not alter the result of the election in any district.<sup>1047</sup>

During the public hearings, members offered in principle support for Malcolm Mackerras' request.<sup>1048</sup> The EMC would like to see the VEC publish two-party preferred results as a matter of priority after the declaration of the poll, at future Victorian state elections.

**Recommendation 10.5: The Victorian Electoral Commission considers the publication of two-party preferred results as a matter of priority after the declaration of the poll, at future Victorian state elections.**

---

<sup>1047</sup> Victorian Electoral Commission, *Submission No. 20*, p. 104.

<sup>1048</sup> M Mackerras (Visiting Fellow), University of New South Wales, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p. 4.

---

## Chapter Eleven: Conclusion

### Democratic principles

Dr Fred Fletcher, University Professor Emeritus at York University (Canada), when visiting Melbourne as part of a visiting professorship at Swinburne University addressed an Australasian Study of Parliament Group (Victorian chapter) meeting held at the Parliament of Victoria. He spoke of the defining characteristic of a democracy being “free and fair elections” which, he argued, require the following elements:

- Impartial electoral administration, to ensure that enrolment is open to all eligible voters and that casting a vote is a reasonably accessible process;
- Something approaching universal suffrage, so that all citizens are able to participate;
- Freedom from coercion, so that voters are not coerced in making their choices;
- Freedom of expression and association, so that citizens can participate in electoral debate; and
- A system that ensures that votes are counted fairly and accurately.<sup>1049</sup>

In this report the EMC has explored key issues identified by individuals and organisations who have a keen interest in seeing democratic principles prevail in Victoria, and have therefore suggested meaningful ways to improve and maintain democracy in this state.

### The inquiry's focus

This report has described the most persistent theme of the inquiry: how electors, registered political parties, the media, psephologists and the VEC experienced the 2006 Victorian state election and, to a lesser extent, the Albert Park District and Williamstown District by-elections.

---

<sup>1049</sup> F Fletcher, "Free and fair elections: Regulations that ensure a "fair go"", paper presented at the Parliament of Victoria, Melbourne, Australia, 20 June 2007, p. 2.

The EMC gathered primary evidence about the attitudes and understandings of these stakeholders through submissions, public hearings and site visits; secondary evidence was acquired via the relevant literature, websites and electoral resources.

The VEC provided the EMC with a solid understanding of the issues associated with the election services provided to current and future voters, registered political parties, candidates and the media. The VEC's report also provided a detailed analysis of the outcomes of the 2006 Victorian state election including the election results, the impact of electronic voting and recommendations for service improvements, legislative change and research. Evidence gathered from non-government organisations and individuals as part of the inquiry process also enabled the EMC to understand electoral participants' perspectives on these services. In addition, these organisations and individuals provided the EMC with a range of new ideas and issues for exploration.

Each chapter in this report has explored the issues associated with the 2006 Victorian state election and the Albert Park District and Williamstown District by-elections. Electors and lobby groups representing people of different ages, cultural and linguistic groups, levels of disability and literacy, and residency status, spoke of different and similar experiences of enrolment and voting and provided the EMC with suggestions on overcoming barriers. Registered political parties and candidates were particularly concerned about the facilitation of voters', political parties' and independent candidates' participation in the electoral system. The media, psephologists and lobby groups spoke of the importance of counting and analysing the votes, communicating accurate and timely election results and increasing the transparency of the political funding system. The VEC, whose mandate is to conduct fair and impartial state elections and by-elections, constructively participated in the debate on these issues and also raised issues independently.

The report consistently demonstrates that the conduct of the 2006 Victorian state election was a complex electoral event. The Legislative Council reforms were a major change for electors, registered political parties, candidates and the VEC. The report also demonstrated growing public momentum for increasing electors' participation and ensuring accountability and transparency of electoral funding.

## EMC's strategic direction

The report demonstrates that the inquiry into the conduct of the 2006 Victorian state election and matters related thereto gave rise to a broad range of issues for the EMC's consideration. As this is the EMC's first parliamentary inquiry, the report has identified a number of issues which require further public consultation and investigation.

## Political finance laws

Much of Chapter Five was devoted to a discussion of the political finance laws associated with the funding of registered political parties in Victoria. The chapter also provided a background context to finance laws in other states and territories, as well as overseas jurisdictions. While the EMC examined the public funding arrangements of political parties within Australia, it was also interested in the arrangements of donations to political parties generally. Nevertheless, evidence was received from only three submissions about the financing of political parties; two of these submissions were from academics, the other from a lobby group. While the EMC noted some ad hoc discussion with witnesses at the public hearings, including representatives of registered political parties about this issue, it believes that further consultation is required.

On 16 April 2008 the Legislative Council of the Parliament of Victoria referred to the EMC a new inquiry to consider and report no later than 30 April 2009 on—

- Whether the *Electoral Act 2002* should be amended to create a system of political donations disclosure and/or restrictions on political donations; and
- The outcome resulting from similar legislative reforms introduced in Canada, the United Kingdom and other relevant jurisdictions.<sup>1050</sup>

The EMC looks forward to commencing this inquiry and exploring political donations in the Victorian and Australian context, as well as engaging in broader international dialogues with electoral commissions in Canada, USA, United Kingdom and other relevant jurisdictions.

## Voter participation and informal voting

The EMC understands that voter participation is integral to a healthy democracy. The EMC believes that eligible voters should have access to enrolment methods that will facilitate their participation in electoral events. Voters should also have the opportunity to make an informed decision about their vote – whether to cast a formal or informal vote – and be able to exercise their right to vote at any time within the election period. Consequently, the EMC is particularly concerned about the declining voter participation rate and the increasing informal voting rate at Victorian state elections.

The evidence received by the EMC points to two initiatives – automatic enrolment and election day registration – which have the potential to affect voter participation in the Victorian electoral system. These initiatives are worthy of further parliamentary research.

---

<sup>1050</sup> G Barber MLC, *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 16 April 2008, p. 1261.



The EMC is also interested in exploring the factors that impact on voter turnout and the rate of informal voting in Victoria. Although these issues have been identified in this current inquiry, the EMC believes that wider consultation with stakeholders and more evidence is required.

Pursuant to section 33(3) of the *Parliamentary Committees Act 2003*, on 5 May 2008, the EMC self-referenced a new inquiry to consider and report to Parliament upon issues relating to voter participation and informal voting.

## Mapping of stakeholder networks

As outlined in Chapter One, the EMC is a new committee and this is the first inquiry it has undertaken. For this inquiry the Secretariat identified broad stakeholder networks.

To support the EMC's research program, EMC members and the secretariat will continue to develop and build a comprehensive stakeholder database. While acknowledging that there is never an exhaustive list of relevant stakeholders, the EMC aspires to incorporate the diverse perspectives of electors, lobby groups, registered political parties, independent candidates, the media, political commentators, academics, researchers, psephologists and electoral authorities, among others. The EMC believes that capturing diverse perspectives will enrich the quality of the research and recommendations.

## Concluding remarks

The EMC would like to emphasise that the findings and recommendations contained within the report are intended to support democracy and electoral participation in Victoria. In addition, the EMC hopes that this report will further the debate about electoral administration.

The EMC believes the proposed further research will improve the EMC's understanding of some of the major issues which arose as part of the inquiry and will inform future parliamentary decision making.

Committee Room

Parliament House

16 June 2008

# Bibliography

## Legislation

### Australian

- Aboriginal Heritage Act 2006 (VIC)*
- Audit Act 1994 (VIC)*
- Casino Control Act 1991 (VIC)*
- City of Melbourne Act 2001 (VIC)*
- Commonwealth Electoral Act 1918 (Commonwealth)*
- Commonwealth of Australia Constitution Act (Commonwealth)*
- Communist Party Dissolution Act 1950 (Commonwealth)*
- Constitution Act 1975 (VIC)*
- Constitution Act 1889 (WA)*
- Constitution (Parliamentary Reform) Act 2003 (VIC)*
- Disability Act 2006 (VIC)*
- Disability Discrimination Act 1992 (Commonwealth)*
- Electoral Act 2004 (TAS)*
- Electoral Act 2002 (VIC)*
- Electoral Act 1992 (QLD)*
- Electoral Act 1985 (SA)*
- Electoral Act 1907 (WA)*
- Financial Management Act 1994 (VIC)*
- Gambling Regulations Act 2003 (VIC)*
- Infringements Act 2006 (VIC)*
- Local Government Act 1989 (VIC)*
- Local Government (Electoral) Regulations 2005 (VIC)*
- Nationality and Citizenship Act 1948 (Commonwealth)*
- Ombudsman Act 1973 (VIC)*
- Parliamentary Committees Act 2003 (VIC)*
- Parliamentary Electorates and Elections Act 1912 (NSW)*

## International

*Federal Accountability Act 2006 (Canada)*

## Cases

*R v Falconer (1990) 171 CLR 30.*

*Mulholland v Australian Electoral Commissioner (2004) HCA 41.*

## Articles / Books / Reference Works

ABC News, "VEC to recount Upper House seats", *ABC News Online*, 13 December 2006. Retrieved 10 May 2008 from <http://www.abc.net.au/news/newsitems/200612/s1810781.htm>.

ABC News, "Electoral commission dismisses 'Pots with the Pollies' complaint", *ABC News Online*, 21 February 2007. Retrieved 1 August 2007 from <http://www.abc.net.au/news/australia/vic/summer/200702/s1852944.htm>.

ABC News, "New IT to help visually impaired people vote", *ABC News*, 1 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/01/1994294.htm>.

ABC News, "New technology delivers secret vote to blind", *ABC News*, 15 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/15/2005708.htm>.

ACT Electoral Commission, *Register of political parties*, 2007. Retrieved 24 April 2008 from <http://www.elections.act.gov.au/parties/PartyReg.html>.

ACT Electoral Commission, *Election guide: Shaping Canberra's future*, ACT Government, Canberra, no date.

Action on Smoking and Health, *Submission No. 6*.

Allison, L. (Leader), Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Atkinson MP, B.N., *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 19 July 2005.

Australian Building Code Board, *Access for people with a disability*, 2007. Retrieved 11 December 2007 from <http://www.abcb.gov.au/go/whatweredoing/workprogram/projectsae/access>

Australian Clearinghouse for Youth Studies, *Definitions*, 2007. Retrieved 15 January 2008 from <http://acys.clients.squiz.net/resources/definitions/definitions>.

Australian Democrats, *Submission No. 17*.

---

Australian Electoral Commission, *Electoral backgrounder 14: Electoral fraud and multiple voting*, 2001. Retrieved 13 December 2007 from [http://www.aec.gov.au/About\\_AEC/Publications/Backgrounders/no\\_14.htm](http://www.aec.gov.au/About_AEC/Publications/Backgrounders/no_14.htm).

Australian Electoral Commission, *Annual report 2006-07*, Australian Electoral Commission, Canberra, 2007.

Australian Electoral Commission, *Candidate's handbook*, Pirion Printers, Canberra, 2007.

Australian Electoral Commission, *Education resources*, 2007. Retrieved 1 February 2008 from <http://www.aec.gov.au/Education/index.htm>.

Australian Electoral Commission, *Federal registration of political parties handbook*, Australian Electoral Commission, 2007. Retrieved 7 May 2008 from [http://www.aec.gov.au/Parties\\_and\\_Representatives/Party\\_Registration/Handbook/application.htm](http://www.aec.gov.au/Parties_and_Representatives/Party_Registration/Handbook/application.htm).

Australian Electoral Commission, *New deadlines for enrolling to vote for federal elections*, 2007. Retrieved 21 May 2008 from [http://www.aec.gov.au/About\\_AEC/publications/fact\\_sheets/close\\_of\\_rolls.htm](http://www.aec.gov.au/About_AEC/publications/fact_sheets/close_of_rolls.htm).

Australian Electoral Commission, *Proof of identity for enrolment: Factsheet*, 2007. Retrieved 21 May 2008 from [http://www.aec.gov.au/About\\_AEC/Publications/Fact\\_Sheets/Proof\\_of\\_Identity.htm](http://www.aec.gov.au/About_AEC/Publications/Fact_Sheets/Proof_of_Identity.htm).

Australian Government, "Population projections: Our ageing population", *Australian social trends*, Australian Bureau of Statistics, 1999. Retrieved 30 May 2008 from <http://www.abs.gov.au/ausstats/ABS@.nsf/2f762f95845417aeca25706c00834efa/a2cd8d204f84e882ca2570ec001117a1!OpenDocument>.

Australian Government, *Use of the internet by householders*, Australian Bureau of Statistics, Canberra, 2000.

Australian Government, "Population summary, population by age and sex, Victoria, June 2002", Australian Bureau of Statistics, 2002. Retrieved 30 May 2008 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyReleaseDate/428E8A4528CB1F2DCA256EC2007BE025?OpenDocument>.

Australian Government, "All persons, disability and long-term health condition status by sex and age, Victoria, 2003", *Disability, ageing and carers*, Australian Bureau of Statistics, 2004. Retrieved 30 May 2008 from <http://www.ausstats.abs.gov.au>.

Australian Government, *Retirement ages*, Department of Health and Ageing, 2004. Retrieved 10 April 2008 from <http://www.seniors.gov.au/internet/seniors/publishing.nsf/Content/Retirement+ages>.

Australian Government, "2006 census tables, Victoria (state), age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

Australian Government, "2006 census tables, Victoria (state), Indigenous status by age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved <http://www.censusdata.abs.gov.au>.

Australian Government, "2006 census tables, Victoria (state), language spoken at home by proficiency in spoken English language", *2006 Census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

Australian Government, "2006 census tables, Victoria (state), language spoken at home by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2006. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

Australian Government, *Adult, literacy and life skills survey: Summary results*, Australian Bureau of Statistics, Canberra, 2006.

Australian Government, *Australia's health 2006*, Australian Institute of Health and Welfare, Canberra, 2006.

Australian Government, *Labour Force, Australia, October 2006*, Australian Bureau of Statistics, 2006. Retrieved 2 June 2008 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyReleaseDate/4D7E0C1E66E4FB6BCA25723C000E8E7A?OpenDocument>.

Australian Government, "2006 census tables, Victoria (state), proficiency in spoken English/language by age by sex", *2006 census of population and housing*, Australian Bureau of Statistics, 2007. Retrieved 30 May 2008 from <http://www.censusdata.abs.gov.au>.

Australian Government, *Department of Immigration and Citizenship: Annual report 2006-07*, Department of Immigration and Citizenship, Canberra, 2007.

Australian Government, *Settlers arrivals: 2006-2007*, Department of Immigration and Citizenship, Canberra, 2007.

Australian Government, *Australian citizenship statistics*, Department of Immigration and Citizenship, No date. Retrieved 23 January 2008 from <http://www.citizenship.gov.au/resources/facts-and-stats/stats.htm#a>.

Australian Greens (Victoria), *Submission No. 8*.

Australian Labor Party (Victorian Branch), *Submission No. 13*.

Barber MLC, G., *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 16 April 2008.

Barry, C., Dacey, P., Pickering, T. & Byrne, D., *Electronic voting and electronic counting of votes: A status report*, Electoral Council of Australia, 2001. Retrieved 1 April 2008 from [www.eca.gov.au/reports/electronic\\_voting.pdf](http://www.eca.gov.au/reports/electronic_voting.pdf)

- Basterfield, C., paper presented at the how to develop accessible written information workshop, Melbourne, Australia, 26 November 2007.
- Basterfield, C. (Speech Pathology Consultant), Scope Victoria Limited, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.
- Bell, D.M., McKay, C. & Phillips, K.J., "Overcoming the barriers to voting experienced by people with learning disabilities", *British Journal of Learning Disabilities*, vol. 29, no. 4, 2001, pp. 122-127.
- Benson, S., "Private cash ban: Political donations in Labor's sights", *The Daily Telegraph*, 14 April 2008, p. 2.
- Besser, L. & Clennell, A., "Iemma pledges donation reform", *The Age*, 23 February 2008, p. 5.
- Birch, S. & Watt, B., "Remote electronic voting : Free, fair and secret?" *Political Quarterly*, vol. 75, no. 1, 2004, pp. 60-72.
- Blais, A., Massicotte, L. & Yoshinaka, A., "Deciding who has the right to vote: a comparative analysis of election laws", *Electoral Studies*, vol. 20, no. 1, 2001, pp. 41-62.
- Bleby, A. (President), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Bowler, S., Donovan, T. & Happ, T., "Ballot propositions and information costs: Direct democracy and the fatigued voter ", *The Western Political Quarterly*, vol. 45, no. 2, 1992, pp. 559-568.
- Bracks MP, S., *Parliamentary debates*, Legislative Assembly, Parliament of Victoria, Melbourne, 27 February 2003.
- Brent, P., *Time to introduce automatic enrolment in Australia*, Democratic Audit of Australia, Canberra, 2008.
- Brockington, D., "A low information theory of ballot position effect", *Political Behavior*, vol. 25, no. 1, 2003, pp. 1-27.
- Byrne, G.C. & Pueschel, J.K., "But who should I vote for county coroner?" *The Journal of Politics*, vol. 36, no. 3, 1974, pp. 778-784.
- Campion, V., "Young say mateship best trait", *The Daily Telegraph*, 22 January 2008, p. 2.
- Canada & OECD, *Learning a living: First results of the adult literacy and life skills survey*, Statistics Canada and OECD, Paris, 2005.
- Carman, C. & Mitchell, J., *An examination of ballot rejection in the Scottish parliamentary elections of 2007*, University of Strathclyde, Glasgow, 2007.
- Chamberlain, C. & MacKenzie, D., "Understanding contemporary homelessness: Issues of definition and meaning", *Australian Journal of Social Issues*, vol. 27, no. 4, 1992, pp. 274-297.

Chamberlain, C. & MacKenzie, D., *Counting the homeless 2001*, Australian Bureau of Statistics, Canberra, 2003.

Chamberlain, C. & MacKenzie, D., *Homeless careers: Pathways in and out of homelessness*, Swinburne and RMIT Universities, Melbourne, 2003.

Chief Electoral Officer of Canada, *Completing the cycle of electoral reforms: Recommendations from the Chief Electoral Officer of Canada on the 38th general election*, Elections Canada, Ottawa, 2005.

Clark, T. (Manager of Technology Training & Employment), Vision Australia, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Clarke, A. (Party Co-ordinator), Australian Greens, Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Clarke, G. (Research Officer), Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

Coghill, K., *Submission No. 16*.

Coghill, K. (Co-Director of Monash Governance Research Unit), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

Coghill, K. & Tham, J.-C., *Submission No. 15*.

Communication Resource Centre, *Guidelines for making information accessible*, Scope Victoria Limited, Box Hill, 2003.

Communication Resource Centre, *Checklist for Easy English documents*, Scope Victoria Limited, Box Hill, 2007.

Communication Resource Centre, *Easy English writing style guide*, Scope Victoria Limited, Box Hill, 2007.

Computing Research and Education Association of Australasia, *Submission No. 26*.

Costar, B. (Professor of Politics), *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

Coutts, S., "Missing the vote", *ABC National Radio: The Law Report*, 12 June 2007.

Crime and Misconduct Commission, *Independence, influence and integrity in local government: A CMC inquiry into the 2004 Gold Coast City Council election* Crime and Misconduct Commission (Chair: Robert Needham), Brisbane, 2006.

Crown, *The Governance of Britain*, United Kingdom Parliament, London, 2007.

Darcy, R., "Position effects with party column ballots", *Political Research Quarterly*, vol. 39, no. 4, 1986, pp. 648-662.

- Darcy, R. & McAllister, I., "Ballot position effects", *Electoral Studies*, vol. 9, no. 1, 1990, pp. 5-17.
- Dario, G., *Electorally engaging the homeless*, Australian Electoral Commission, Canberra, 2005.
- Dario, G., *Research report no. 7: Analysis of informality during the House of Representatives 2004 election*, Australian Electoral Commission, Canberra, 2005.
- Davidson, J., *Inside outcasts: Prisoners and the right to vote in Australia*, Information and Research Services, Parliamentary Library, Canberra, 2004.
- Day, A., Giles, G., Marshall, B. & Sanderson, V., "The recruitment and retention of Indigenous criminal justice agency staff in an Australian state", *International Journal of Offender Therapy and Comparative Criminology*, vol. 48, no. 3, 2004, pp. 347-359.
- Democratic Labor Party, *Submission No. 5*.
- Dhami, M.K., "Prisoner disenfranchisement policy: A threat to democracy", *Analyses of Social Issues and Public Policy*, vol. 5, no. 1, 2005, pp. 235-247.
- Diego, G. (Divisional Policy Officer), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Donohoe, B., "Adding booze sparks a dry old argument", *Sunday Herald Sun*, 18 February 2007, p. 75.
- Economou, N., *The landslide revisited: The 2006 Victorian state election*, Democratic Audit of Australia, Canberra, 2006.
- Edwards, K., Saha, L.J. & Print, M., *Youth electoral study: Youth, the family, and learning about politics and voting*, Australian Electoral Commission, Canberra, 2006.
- Elections Canada, *Election day: You can still register to vote*, 2006. Retrieved 11 February 2008 from <http://www.elections.ca/content.asp?section=med&document=jan2006&dir=pre&lang=e&textonly=false>.
- Electoral Commission Queensland, *Political parties*, 2008. Retrieved 24 April 2008 from <http://www.ecq.qld.gov.au/asp/index.asp?pgid=184>.
- Enticott, J., Grapham, P. & Lamb, B., *Polls apart: Disabled people and the 1992 general election*, The Spastics Society, London, 1992.
- Enticott, J., Minns, J. & Philpott, N., *Polls apart 2: Disabled people and the 1992 general election*, Scope, London, 1997.
- Espie, R. (Education & Community Engagement Officer), Parliament of Victoria, *Personal communication*, 16 May 2008.
- Ethnic Communities' Council of Victoria, *Submission No. 4*.



Fair Vote, *Automatic voter registration*, No date. Retrieved 7 February 2008 from <http://www.fairvote.org/?page=831>.

Faulkner, J., *Electoral reform*, Australian Government, 28 March 2008. Retrieved 29 May 2008 from [http://www.smos.gov.au/transcripts/2008/tr\\_20080328\\_electoral\\_reform.html](http://www.smos.gov.au/transcripts/2008/tr_20080328_electoral_reform.html)

Faulkner, J. (Special Minister of State), Parliament of Australia, *Personal communication*, 7 January 2008.

Fletcher, F., "Free and fair elections: Regulations that ensure a "fair go"", paper presented at the Parliament of Victoria, Melbourne, Australia, 20 June 2007.

Freeguard, J., "Nats in froth, bubble claims", *Herald Sun*, 22 January 2007, p. 25.

Gardiner-Garden, G., *The definition of Aboriginality*, Parliamentary Library, Parliament of Australia, 2000. Retrieved 21 May 2008 from <http://www.aph.gov.au/LIBRARY/pubs/rn/2000-01/01RN18.htm>.

Goode, G. (President), Proportional Representation Society of Australia, Victoria-Tasmania, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

Green, A., *Submission No. 10*.

Green, A. (Political Commentator), Australian Broadcasting Corporation, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

Gribbin, C., *Lowering the voting age*, Victorian Electoral Commission, Melbourne, 2004.

Guinier, L., *The tyranny of the majority*, Free Press, New York, 1994.

Hackett, W., *Submission No. 24*.

Hackett, W., *Submission No. 24 Supplementary No. 1*.

Hanover Welfare Services, *Submission No. 3*.

Harvey, R., "Indonesians vote in historic poll", *BBC News*, 5 July 2004. Retrieved 18 January 2007 from <http://news.bbc.co.uk/2/hi/asia-pacific/3865557.stm>.

High Court of Australia, *Statement: John Vincent Mulholland v Australian Electoral Commission*, High Court of Australia, Canberra, 2004.

Hill, L. & Alport, K., "Reconnecting Australia's politically excluded: Electronic pathways to electoral inclusion", *International Journal of Electronic Government Research*, vol. 3, no. 4, 2007, pp. 1-19.

Hollows, A. (Research and Development Manager), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

- HS Chapman Society, *The case for an electoral ombudsman*, No date. Retrieved 28 April 2008 from [http://www.hschapman.org/case\\_for\\_an\\_electoral\\_ombudsman.htm](http://www.hschapman.org/case_for_an_electoral_ombudsman.htm).
- Hughes, C.A., "The illusive phenomenon of fraudulent voting practices: A review article", *Australian Journal of Politics and History*, vol. 44, no. 3, 1998, pp. 471-491.
- Hughes, C.A., "Institutionalising electoral integrity", in Sawer, M. (ed), *Elections: Full, free and fair*, Federation Press, Sydney, 2001, pp.
- Hughes, C.A., "The independence of electoral administration", paper presented at the Department of the Senate Occasional Lecture Series at Parliament House, Canberra, Australia, 23 March 2007.
- Human Rights and Equal Opportunity Commission, "The right to vote is not enjoyed equally by all Australians", October 2007. Retrieved 16 October 2007 from [http://www.hreoc.gov.au/HUMAN\\_RIGHTS/vote/index.html](http://www.hreoc.gov.au/HUMAN_RIGHTS/vote/index.html).
- Humphreys, M. & Chiswick, D., "Getting patients to the polls in the 1992 general election", *Psychiatric Bulletin*, vol. 17, no., 1993, pp. 18-19.
- Hunt, E., "Enrolling to vote made easy", *Herald Sun*, 21 February 2008, p. 30.
- Jacomb, W., *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Jacomb, W., *Personal communication*, 28 May 2008.
- Jacomb, W., "Submission to Premier: Problems with recent VCAT decisions invalidating section 55A of the Local Government Act", 2008.
- Jankowski, T.B., "A comprehensive model of aging and voting participation", PhD thesis, Wayne State University, Detroit, 2000.
- Jardine, T. (Telephone Advice Worker), Villamanta Disability Rights Legal Service, *Personal communication*, 23 January 2008.
- Jones, A. (Chief Executive Officer), Action on Smoking and Health, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Joseph, R., *Submission No. 27*.
- Joseph Rowntree Charitable Trust and Joseph Rowntree Reform Trust, *Power to the people: The report of power: An independent inquiry into Britain's democracy (Helena Kennedy QC, Chair)*, York Publishing Distribution, York, 2006.
- Juntunen, C.L., Barraclough, D.J., Broneck, C.L., Seibel, G.A., Winrow, S.A. & Morin, P.M., "American Indian perspectives on the career journey", *Journal of Counseling Psychology*, vol. 48, no. 3, 2001, pp. 274-285.
- Jupp, J., McRobbie, A. & York, B., *Settlement needs of small, newly arrived ethnic groups*, Australian Government Publishing Service, Canberra, 1991.

- Keeley, H., Redley, M., Holland, A.J. & Clare, I.C.H., "Participation in the 2005 general election by adults with intellectual disabilities", *Journal of Intellectual Disability Research*, vol. 52, no. 3, 2008, pp. 175-181.
- Keenan, T. (Chief Executive Officer), Hanover Welfare Services, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.
- Kelley, J. & McAllister, I., "Ballot paper cues and the vote in Australia and Britain: Alphabetic voting, sex and title", *The Public Opinion Quarterly*, vol. 48, no. 2, 1984, pp. 452-466.
- Kelly, N., Sawer, M. & Brent, P., *The Democratic Audit's electoral reform agenda*, Democratic Audit of Australia, Canberra, 2008.
- Ker, P., "Poll body eyes electronic ballot", *The Age*, 7 February 2007. Retrieved 15 August 2007 from <http://www.theage.com.au/news/national/poll-body-eyes-electronic-ballot/2007/02/06/1170524094700.html>.
- Kimball, D.C. & Kropf, M., "Ballot design and unrecorded votes on paper-based ballots", *Public Opinion Quarterly*, vol. 69, no. 4, 2005, pp. 508-529.
- Kingsford, S., *Submission No. 1*.
- Knack, S., "Election day registration: The second wave", *American Politics Research*, vol. 29, no. 1, 2001, pp. 65-78.
- Kokocinski, L. (Executive Director), Action on Disabilities within Ethnic Communities, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.
- Koppell, J.G.S. & Steen, J.A., "The effects of ballot position on election outcomes", *The Journal of Politics*, vol. 66, no. 1, 2004, pp. 267-281.
- Lambert, N., *Submission No. 9*.
- Lardy, H., "Citizenship and the right to vote", *Oxford Journal of Legal Studies*, vol. 17, no. 1, 1997, pp. 75-100.
- Lardy, H., "Democracy by default: The representation of the People Act 2000", *The Modern Law Review*, vol. 64, no. 1, 2001, pp. 63-81.
- Levens, M., *Submission No. 25*.
- Liberal Party of Australia (Victorian Division), *Submission No. 11*.
- Lo, J.-Y. (Policy/Project Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.
- Ludbrook, R., "Children and the political process", *Australian Journal of Human Rights*, vol. 2, no. 2, Autumn 1996. Retrieved 21 May 2008 from <http://www.austlii.edu.au/au/journals/AJHR/1996/9.html>.
- Macdonald, C., Gardiner, G. & Costar, B., *The 2006 Victorian state election*, Parliament of Victoria, Melbourne, 2007.

- Macey, J., "E-voting to be rolled out for election", *ABC News*, 15 August 2007. Retrieved 24 August 2007 from <http://www.abc.net.au/news/stories/2007/08/15/2005989.htm>.
- Mackerras, M., "The 'donkey vote'", *The Australian Quarterly*, vol. 40, no. 4, 1968, pp. 89-92.
- Mackerras, M. (Visiting Fellow), University of New South Wales, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Madigan, M., *Submission No. 2*.
- Mayer, K.R., *Sunlight as the best disinfectant: Campaign finance in Australia (Discussion paper no. 31/06)*, Democratic Audit of Australia, Australian National University, Canberra, 2006.
- McCorquodale, J., "The legal classification of race in Australia", *Aboriginal History*, vol. 10, no. 1, 1986, pp. 7-24.
- McGrath, A. (Life Member and Former President), HS Chapman Society, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- McKay, L., *The decline of the franchise and the rise of the i-generation: A Western Australian perspective*, Institute of Public Administration of Australia, Curtin University and Department of Premier and Cabinet, Perth, 2006.
- Mercuri, R., *Electronic voting*, 2007. Retrieved 10 May 2008 from [www.notablesoftware.com/evote.html](http://www.notablesoftware.com/evote.html).
- Miles, T.J., "Felon disenfranchisement and voter turnout", *Journal of Legal Studies*, vol. 33, no. 1, 2004, pp. 85-129.
- Miller, J.M. & Krosnick, J.A., "The impact of candidate name order on election outcomes", *Public Opinion Quarterly*, vol. 62, no. 3, 1998, pp. 291-330.
- Mulholland, J. (Secretary and Registered Officer), Democratic Labor Party, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- Multicultural Disability Advocacy Association, *Response to NSW State Electoral Office plan "Equal access to democracy"*, 2006. Retrieved 31 July 2007 from <http://www.mdaa.org.au/service/systemic/06/seoresponse.html>.
- National Communications Branch, Department of Immigration and Citizenship, *Personal communication*, 23 January 2008.
- Nelson, J. (Member of the Policy Council), Council on the Ageing, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.
- New America Foundation, *Automatic voter registration: Using drivers licenses and tax databases for automatic registration*, 2006. Retrieved 6 February 2008 from [http://www.newamerica.net/publications/policy/automatic\\_voter\\_registration](http://www.newamerica.net/publications/policy/automatic_voter_registration).

New South Wales Electoral Commission, *State registered political parties*, 2007. Retrieved 24 April 2008 from [http://www.elections.nsw.gov.au/state\\_government\\_elections/registered\\_political\\_parties/state\\_registered\\_political\\_parties](http://www.elections.nsw.gov.au/state_government_elections/registered_political_parties/state_registered_political_parties).

New South Wales Government, *Adapting programs to meet the needs of children and young persons from culturally and linguistically diverse (CALD) communities policy statement*, New South Wales Office of the Children's Guardian, 2003. Retrieved Accessed 17 October 2007 from [www.kidsguardian.nsw.gov.au/accreditation/policies/pdf\\_files/adapting\\_CALD\\_v1.0.pdf](http://www.kidsguardian.nsw.gov.au/accreditation/policies/pdf_files/adapting_CALD_v1.0.pdf).

New York State Assembly, *Assembly unveils comprehensive ethics reform package*, 2006. Retrieved 17 March 2008 from <http://assembly.state.ny.us/mem/?ad=101&sh=story&story=19165>.

Nielsen, J., *Digital divide: The three stages*, 2006. Retrieved 22 January 2008 from <http://www.useit.com/alertbox/digital-divide.html>.

Niklas, P. (Divisional Vice President), United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007.

No author, "Aid for blind voters", *Herald Sun*, 10 August 2007, p. 15.

No author, "TV shapes", *Cranbourne Leader*, 21 November 2007, p. 8.

Norah Fry Research Centre, *Information for all: Design and layout*, University of Bristol, Bristol, 2004.

Norah Fry Research Centre, *Information for all: Using pictures*, University of Bristol, Bristol, 2004.

Norah Fry Research Centre, *Information for all: Using symbols*, University of Bristol, Bristol, 2004.

Norah Fry Research Centre, *Information for all: Words and language*, University of Bristol, Bristol, 2004.

O'Brien, M., Valadkhani, A., Waring, P. & Denniss, R., "The Australian Labour Market in 2006", *Journal of Industrial Relations*, vol. 49, no. 3, 2007, pp. 311-326.

O'Sullivan, L. (State Director), The Nationals, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Orr, G., "Dealing in votes: Regulating electoral bribery", in Orr, G., Mercurio, B. & Williams, G. (eds), *Realising democracy: Electoral law in Australia*, The Federation Press, Sydney, 2003, pp. 130-142.

Orr, G., *Australian electoral systems: How well do they serve political equality?*, Australian National University, Canberra, 2004.

Orr, G., Mercurio, B. & Williams, G., "Australian electoral law: A stocktake", *Election Law Journal*, vol. 2, no. 3, 2003, pp. 383-402.

---

Parkes, D., "Ballot boxes behind bars: Toward the repeal of prisoner disenfranchisement laws", *Temple Political and Civil Rights Law Review* vol. 13, no. Fall, 2003, pp. 71-112.

Parliament of Australia, *The 2001 federal election: Report of the inquiry into the conduct of the 2001 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Petro Georgiou MP, Chair), Canberra, 2003.

Parliament of Australia, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Joint Standing Committee on Electoral Matters (Tony Smith MP, Chair), Canberra, 2005.

Parliament of Australia, *Civics and electoral education*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007.

Parliament of Australia, *Review of certain aspects of the administration of the Australian Electoral Commission*, Joint Standing Committee on Electoral Matters (Sophie Mirabella MP, Chair), Canberra, 2007.

Parliament of New South Wales, *Enhancing Aboriginal political representation: Inquiry into dedicated seats in the New South Wales Parliament*, Standing Committee on Social Issues (Jan Burnswood MLC, Chair), Sydney, 1998.

Parliament of New South Wales, *Inquiry into the administration of the 2003 election and related matters*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2005.

Parliament of New South Wales, *Inquiry into voter enrolment*, Joint Standing Committee on Electoral Matters (Marianne Saliba MP, Chair), Sydney, 2006.

Parliament of New South Wales, *Electoral and political party funding inquiry*, 2008. Retrieved 13 March 2008 from <http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/A87852213B83634ECA25730C00174AF9>.

Parliament of New South Wales, *Inquiry into the administration of the 2007 NSW election and related matters*, Joint Standing Committee on Electoral Matters (Cherie Burton MP, Chair), Sydney, 2008.

Parliament of Queensland, *Issues of Queensland electoral reform arising from the 1998 state election and amendments to the Commonwealth Electoral Act 1918*, Legal, Constitutional and Administrative Review Committee (Gary Fenlon MLA, Chair), Brisbane, 2000.

Parliament of Queensland, *Voices and votes: A Parliamentary inquiry into young people engaging in democracy*, Legal, Constitutional and Administrative Review Committee (Lesley Clark MP, Chair), Brisbane, 2006.

Parliament of the Australian Capital Territory, *Inquiry into the eligible voting age*, Standing Committee on Education, Training and Young People (Mary Porter AM MLA, Chair), Canberra, 2007.

Parliament of Victoria, "Fact sheet 20", *Legislative Assembly Fact Sheet*, 2005. Retrieved 10 May 2008 from <http://www.parliament.vic.gov.au/Assembly/facts20.html>.

Parliament of Victoria, *Victorian electronic democracy: Final report*, Scrutiny of Acts and Regulations Committee, (Lily D'Ambrosio MLA, Chair), Melbourne, 2005.

Parliament of Victoria, "A new electoral system for Victoria's Legislative Council", *Legislative Council Information Sheet*, 2007. Retrieved [http://www.parliament.vic.gov.au/council/info\\_sheets/New\\_system.htm](http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm).

Parliament of Victoria, *Voting in Victoria*, 2007. Retrieved 22 April 2008 from <http://www.parliament.vic.gov.au/vote.html>.

Parliament of Victoria, *Report on strengthening government and parliamentary accountability in Victoria*, Public Accounts and Estimates Committee (Bob Stensholt MP, Chair), Melbourne, 2008.

Pavey, B., "Citizenship and special educational needs: what are you going to do about teaching them to vote?" *Support for Learning*, vol. 18, no. 2, 2003, pp. 58-65.

Percy, K., "Electoral changes concern young voters", *ABC National Radio: The World Today*, 5 October 2005.

Print, M., Saha, L. & Edwards, K., *Youth electoral study: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004.

Proportional Representation Society of Australia Victoria-Tasmania, *Submission No. 21*.

Reynolds, A. & Steenbergen, M., "How the world votes: The political consequences of ballot design, innovation and manipulation", *Electoral Studies*, vol. 25, no. 3, 2006, pp. 570-598.

Rich-Phillips MLC, G., *Parliamentary debates*, Legislative Council, Parliament of Victoria, Melbourne, 15 February 2007.

Robson, C. & Walsh, B., "The importance of positional voting bias in the Irish general election of 1973", *Political Studies*, vol. 22, no. 2, 1974, pp. 191-203.

Roll Integrity Unit, *Measuring the electoral rolls: A report on the results from the Sample Audit Framework March 2005*, Australian Electoral Commission, Canberra, 2005.

Rossi, S., "Victoria the first to cast e-vote in a state election: Pilot begins today", *Computerworld: The Voice of IT Management*, 13 November 2006. Retrieved 15 August 2007 from <http://www.computerworld.com.au/index.php/id;1353237299;fp;4194304;fpid;1>.

Rottinghaus, B. & Baldwin, G., "Voting behind bars: Explaining variation in international enfranchisement practices", *Electoral Studies*, vol. 26, no. 3, 2007, pp. 688-698.

Rusk, J.G., "The effects of the Australian ballot reform on split-ticket voting: 1876-1908", *American Political Science Review*, vol. 64, no. 4, 1970, pp. 1220-1238.

Russell, A., Fieldhouse, E., Purdam, K. & Kalra, V., *Voter engagement and young people*, The Electoral Commission, London, 2002.

Saha, L.J., Print, M. & Edwards, K., *Youth electoral study: Youth, political engagement and voting*, Australian Electoral Commission, Canberra, 2005.

Salusinsky, I. & Wilson, L., "Lib push for reform after sex scandal", *The Australian*, 25 February 2008, p. 6.

Saunders, B., *Submission No. 12*.

Sawer, M., "Canada sets a 'radical' example on campaign funding", *Australian Policy Online*, 20 May 2008. Retrieved 29 May 2008 from [http://www.apo.org.au/webboard/comment\\_results.shtml?filename\\_num=209287](http://www.apo.org.au/webboard/comment_results.shtml?filename_num=209287).

Scope Victoria Limited, *Submission No. 7*.

Scope Victoria Limited, *Disability and the voting booth*, Scope Victoria Limited, 2004. Retrieved 16 October 2007 from [http://www.scopevic.org.au/info\\_1in4poll\\_oct2004.html](http://www.scopevic.org.au/info_1in4poll_oct2004.html).

Smith, H. & Humphreys, M., "Changes in the law are necessary to allow patients detained under the Mental Health Act to vote", *British Medical Journal*, vol. 315, no. 7105, 1997, pp. 431.

Smith, R.G., *Electronic voting: Benefits & risks*, Australian Institute of Criminology, Canberra, 2002.

Smith, W. (Quality Assurance Co-ordinator), Western Australian Electoral Commission, *Personal communication*, 19 January 2008.

South Australian Electoral Commission, *Frequently asked questions: Enrolment*, 2007. Retrieved 26 February 2008 from <http://www.seo.sa.gov.au/apps/news/?sectionID=88&pageID=78>.

The Carter Center, *The Carter Center 2004 Indonesia election report*, The Carter Center, Atlanta, 2005.

The Nationals, *Submission No. 18*.

The Poll Bludger, *Upper House results: Take two*. Retrieved 10 May 2008 from <http://www.pollbludger.com/category/victorian-election-2006>.

Thomas, A., *A comparative analysis of electronic elections conducted between 2000-2005*, Western Australian Electoral Commission, Perth, 2007.

Tilley, C., *The poll vault: Definition moments*, 2007. Retrieved 13 February 2008 from <http://blogs.abc.net.au/thepollvault/2007/10/definition-mome.html>.

Timson, L., "Victoria puts blind faith in electronic voting", *The Age*, 14 November 2006. Retrieved 15 August 2007. from <http://www.theage.com.au/news/technology/victoria-puts-blind-faith-in->



[electronic-voting/2006/11/13/1163266481851.html?page=fullpage#contentSwap2](http://www.smh.com.au/news/web/click-go-the-votes-click-click-click---/2007/09/17/1189881433808.html).

Timson, L., "Click go the votes, click, click, click ..." *Sydney Morning Herald*, 18 September 2007. Retrieved 1 April 2008 from <http://www.smh.com.au/news/web/click-go-the-votes-click-click-click---/2007/09/17/1189881433808.html>.

Tinkler, C., "Anger at free beers", *Sunday Herald Sun*, 18 February 2007, p. 19.

Topp, V. (Lawyer and Policy Co-ordinator), Mental Health Legal Centre, *Personal communication*, 29 January 2008.

Tribe, L.H., "The disenfranchisement of ex-felons: Citizenship, criminality, and the purity of the ballot box", *Harvard Law Review*, vol. 102, no. 6, 1989, pp. 1300-1317.

Tully, S. (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Tully, S. (Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 4 June 2007.

Turner, C., *Poll position: A survey of access to polling places, Scottish referendum 1997*, Capability Scotland, Edinburgh, 1999.

Uggen, C., Manza, J. & Behrens, A., "Stigma, role transition and the civic reintegration of convicted felons", in Maruna, S. & Immarigeon, R. (eds), *After crime and punishment: Pathways to offender reintegration*, Willan, Cullompton, Devon, 2004, pp. 258-290.

United Nations, *Universal declaration of human rights*, 1948. Retrieved 16 June 2008 from <http://www.un.org/Overview/rights.html>.

United Nations, *Convention on the rights of the child*, 1989. Retrieved 1 February 2008 from <http://www.unhchr.ch/html/menu3/b/k2crc.htm>.

United Nations, *Indigenous peoples and the United Nations system: An overview (Leaflet no. 1)*, Office of the United Nations High Commissioner for Human Rights, No date. Retrieved 18 October 2007 from <http://www.ohchr.org/english/about/publications/docs/indileaflet1.doc>.

United Nations Youth Association of Australia (Victorian Division), *Submission No. 23*.

van der Craats, A., *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

van der Craats, A., *Submission No. 22*.

van Vliet, P. (Executive Officer), Ethnic Communities' Council of Victoria, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Varley, G. (Chief Parliamentary Counsel), Department of Premier and Cabinet, *Personal communication*, 23 May 2008.

- 
- Victorian Electoral Commission, *Glossary*. Retrieved 15 May 2008 from <http://www.vec.vic.gov.au/glossary.html>.
- Victorian Electoral Commission, *Submission No. 20*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 1*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 2*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 3*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 4*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 5*.
- Victorian Electoral Commission, *Submission No. 20, Supplementary No. 7*.
- Victorian Electoral Commission, *Submission No. 28*.
- Victorian Electoral Commission, *Report to Parliament on the 1999 Victorian state election*, State of Victoria, Melbourne, 2000.
- Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian state election*, State of Victoria, Melbourne, 2003.
- Victorian Electoral Commission, *Annual report: 1 July 2005-30 June 2006*, Victorian Electoral Commission, Melbourne, 2006.
- Victorian Electoral Commission, *Candidate handbook: Region Legislative Council*, Victorian Electoral Commission, Melbourne, 2006.
- Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006.
- Victorian Electoral Commission, *Annual report: 1 July 2006-30 June 2007*, Victorian Electoral Commission, Melbourne, 2007.
- Victorian Electoral Commission, *Corporate plan 2007-2012*, Victorian Electoral Commission, Melbourne, 2007.
- Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, 2007.
- Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, State of Victoria, Melbourne, 2007.
- Victorian Electoral Commission, *Have your say*, 2008. Retrieved 5 February 2008 from <http://www.vec.vic.gov.au/haveyoursay.html>.
- Victorian Electoral Commission, *Privacy and political party registration information*, No date. Retrieved 23 April 2008 from <http://www.vec.vic.gov.au/privacyparties.html>.
- Victorian Government, *Victorian State Disability Plan 2002-2012*, Department of Human Services, Melbourne, 2002.

Victorian Government, *Victoria: Major geographical divisions, birthplace, language, age, religion and ancestry*, Department of Victorian Communities, Victorian Office of Multicultural Affairs, Melbourne, 2003.

Victorian Government, *Accessible communication: Workplace guide*, Department of Education and Early Childhood Development, Melbourne, 2007.

Victorian Government, *Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to the current public lottery licensing process (Merkel Report)*, Department of Justice, Office of Gaming and Racing (Ron Merkel QC, Chair), Melbourne, 2007.

Victorian Government, *Victoria Government Indigenous Affairs report: July 2005 - June 2006*, Department of Planning and Community Development, Melbourne, 2007.

Victorian Government, *The statistical profile of the Victorian prison system 2002-03 to 2006-07*, Department of Justice, Melbourne, 2008.

Victorian Interpreting & Translating Service, *We speak your language: A guide to cross-cultural communications*, Victorian Interpreting & Translating Service, Melbourne, No date.

Vision Australia, *Submission No. 13*.

Walliker, A., "Support for lower vote age", *Herald Sun*, 28 September 2007, p. 12.

Western Australian Government, *Review of the law of homicide: Final report*, Law Reform Commission of Western Australia, Perth, 2007.

Wikipedia, *Election day registration*, 2007. Retrieved 6 February 2008 from [http://en.wikipedia.org/wiki/Election\\_Day\\_Registration](http://en.wikipedia.org/wiki/Election_Day_Registration).

Williams, L. (Deputy Electoral Commissioner), Victorian Electoral Commission, *Personal communication*, 13 May 2008.

Williams, L. (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007.

Williams, L. (Deputy Electoral Commissioner of Victoria), Victorian Electoral Commission, *Personal communication*, 16 June 2008.

Wislowski, A. & Cuellar, N., "Voting rights for older Americans with dementia: Implications for health care providers", *Nursing Outlook*, vol. 54, no. 2, 2006, pp. 68-73.

World Health Organization, *Definition of an older or elderly person*, 2007. Retrieved 17 October 2007 from <http://www.who.int/healthinfo/survey/ageingdefnolder/en/index.html>.

Wright, J., "Tally Room a raucous shrine to democracy", *The Canberra Times*, 25 November 2007. Retrieved 10 May 2008 from

<http://canberra.yourguide.com.au/news/local/news/general/tally-room-a-raucous-shrine-to-democracy/463258.aspx>.



## Appendix One: List of submissions

- 1 **Stuart Kingsford**
- 2 **Mary Madigan**
- 3 **Hanover Welfare Services**  
Supplementary No. 1
- 4 **Ethnic Communities' Council of Victoria**
- 5 **Democratic Labor Party**
- 6 **Action on Smoking and Health – Australia**
- 7 **Communication Resource Centre, Scope Victoria Limited**
- 8 **Australian Greens (Victoria)**
- 9 **Nathan Lambert**
- 10 **Antony Green**
- 11 **Liberal Party of Australia (Victorian Division)**
- 12 **Bob Saunder**
- 13 **Australian Labor Party (Victorian Branch)**
- 14 **Vision Australia**
- 15 **Ken Coghill and Joo-Cheong Tham**
- 16 **Ken Coghill**
- 17 **Senator Lyn Allison, Australian Democrats**
- 18 **The Nationals**
- 19 **Malcolm Mackerras AO**
- 20 **Victorian Electoral Commission**  
Supplementary No. 1  
Supplementary No. 2  
Supplementary No. 3  
Supplementary No. 4

|    |   |
|----|---|
|    | Supplementary No. 5   |
|    | Supplementary No. 6   |
|    | Supplementary No. 7   |
| 21 | <b>Proportional Representation Society of Australia Inc<br/>(Victoria-Tasmania)</b> |
| 22 | <b>Anthony van der Craats</b>   |
| 23 | <b>United Nations Youth Association of Australia<br/>(Victorian Division)</b>       |
| 24 | <b>William Hackett</b>  |
|    | Supplementary No. 1   |
| 25 | <b>Mary Levens</b>  |
| 26 | <b>Computing Research and Education Association of<br/>Australasia</b>              |
| 27 | <b>Rhonda Joseph</b>  |
| 28 | <b>Victorian Electoral Commission</b>   |

## Appendix Two: List of exhibits

- 1 *Address-in-Reply*, Parliament of Victoria, *Parliamentary debates*, Legislative Council, 15 February 2007 (G Rich-Phillips MLC).
- 2 *Conference paper*, Coghill, K., Holland, P. & Donohue, R. (2007) "Parliamentary Accountability to the Public – the role of professional development programmes for MPs", Australasian Study of Parliament Group 2007 Annual Conference, Adelaide SA, 23-25 August 2007, presented by Dr Ken Coghill (related to Submission No. 15 & 16).
- 3 *Chart of Tasmanian House of Assembly Polls 1913-2006: Incidence of Exhausted Votes*, presented by Geoffrey Goode, President of the Proportional Representation Society of Australia, Victoria-Tasmania (related to Submission No. 21).
- 4 *Additional references*, presented by Anne Jones, Chief Executive Officer, Action on Smoking and Health – Australia (related to Submission No. 6).
- 5 *Copy of submission from United Nations Youth Association of Australia, Victorian Division to EMC inquiry into the 2006 Victorian state election and matters related thereto*, presented by Alice Bleby, President of the United Nations Youth Association of Australia, Victorian Division (related to Submission No. 23).
- 6 *Copy of powerpoint presentation from Hanover Welfare Services to EMC inquiry into the 2006 Victorian state election and matters related thereto*, presented by Tony Keenan and Dr Andrew Hollows of Hanover Welfare Services (related to Submission No. 3).
- 7 *Chart of preference flows for above the line voting in the South Eastern Metropolitan Region to EMC inquiry into the 2006 Victorian state election and matters related thereto*, presented by Senator Lyn Allison, Leader of the Australian Democrats (related to Submission No. 17).
- 8 *Copy of powerpoint presentation from Communication Resource Centre, Scope Victoria Limited to EMC inquiry into the 2006 Victorian state election and matters related thereto*, presented by Cathy Basterfield, Speech Pathology Consultant of Communication Resource Centre (related to Submission No. 7).





## Appendix Three: List of witnesses

Tuesday, 28 August 2007 – Melbourne

- 1                    **Dr Ken Coghill**
- 2                    **Antony Green**
- 3                    **Proportional Representation Society of Australia Inc  
(Victoria-Tasmania)**  
  
Geoffrey Goode, President
- 4                    **Victorian Aboriginal Legal Service Co-operative  
Limited**  
  
Greta Clarke, Research Officer
- 5                    **Brian Costar**
- 6                    **William Robert (Jennifer) Jacomb**
- 7                    **ASH – Action on Smoking and Health**  
  
Anne Jones, Chief Executive Officer
- 8                    **Malcolm Mackerras AO**
- 9                    **Democratic Labor Party**  
  
John Mulholland, Secretary & Registered Officer
- 10                   **United Nations Youth Association of Australia  
(Victorian Division)**  
  
Alice Bleby, President  
  
Giselle Diego, Divisional Policy Officer  
  
Patricia Niklas, Divisional Vice President
- 11                   **HS Chapman Society**  
  
Dr Amy McGrath, Life Member & Former President
- 12                   **Council on the Ageing (Victoria)**  
  
Julie Nelson, Member of the Policy Council

Wednesday, 29 August 2007 – Melbourne

- 1 Anthony van der Craats**
- 2 Hanover Welfare Services**  
Tony Keenan, Chief Executive Officer & Dr Andrew Hollows, Research & Development Manager
- 3 The Nationals**  
Luke O'Sullivan, State Director
- 4 Action on Disabilities within Ethnic Communities**  
Licia Kokocinski, Executive Director
- 5 Vision Australia**  
Tony Clark, Manager of Technology, Training & Employment
- 6 Australian Greens (Victoria)**  
Alison Clarke, Party Co-ordinator
- 7 Australian Democrats**  
Senator Lyn Allison, Leader
- 8 Ethnic Communities' Council of Victoria**  
Peter van Vliet, Executive Officer  
Jieh-Yung Lo, Policy/Project Officer
- 9 Communication Resource Centre, Scope Victoria Ltd**  
Cathy Basterfield, Speech Pathology Consultant
- 10 Victorian Electoral Commission**  
Steve Tully, Electoral Commissioner  
Liz Williams, Deputy Electoral Commissioner

## Appendix Four: List of site visits

**1**

### **Saturday 21 July 2007 - Melbourne**

The Chair of the EMC, Adem Somyurek MLC, member, Robin Scott MP and Committee staff Mark Roberts (Executive Officer) and Nathaniel Reader (Committee Administration Officer) attended the Boroondara Council's Cotham ward by-election to observe electronic vote counting procedures used by the Victorian Electoral Commission.

**2**

### **Saturday 15 September 2007 - Melbourne**

Committee staff Mark Roberts (Executive Officer), Natalie Wray (Research Officer) and Nathaniel Reader (Committee Administration Officer) attended Sandridge voting centre and Albert Park election office to observe the Albert Park by-election. (Robin Scott was there independently.)

**3**

### **Monday 25 February 2008 - Melbourne**

Committee members and Secretariat staff attended Hanover's Southbank Crisis Centre and Transitional Supported Housing to meet with clients and case workers.

