

**ELECTORAL MATTERS COMMITTEE**

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

Melbourne—29 August 2007

Members

Mr A. Somyurek  
Hon C. Campbell  
Mr R. Scott

Mr M. O'Brien  
Mr P. Hall  
Mr M. Thompson

Chair: Mr A. Somyurek  
Deputy Chair: Mr M. O'Brien

Staff

Executive Officer: Mr M. Roberts  
Research Officer: Dr N Wray

Witnesses

Ms. A. Clarke, Party Coordinator, Australian Greens  
(Victoria).

**The CHAIR**—Welcome, Alison. Just some formalities now. Welcome to the public hearings of the Electoral Matters Committee inquiry into the 2006 Victorian state election and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and where applicable the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise witnesses that any comments you make outside the hearings may not be afforded such privilege. I take it you have received the pamphlets on giving evidence at public hearings, and for the benefit of Hansard I ask you to state your full name and address.

**Ms CLARKE**—Alison Margaret Clarke, 3 Cornwall Street, Northcote.

**The CHAIR**—Thank you. Again for the benefit of Hansard I ask you to please state if you are attending in a private capacity or representing an organisation, and if representing an organisation what your position in the organisation is.

**Ms CLARKE**—I represent the Australian Greens, Victoria. I am the party coordinator, and I should say that I am not the party psephologist. The paper that was presented to the committee was written by our psephologist Stephen Luntz. He is unable to make it today so I am here instead. If there are any complex questions I will refer them back to him.

**The CHAIR**—Your evidence will be taken down and become public evidence in due course. I now ask you to make a verbal submission and the committee will ask the questions after your submission is over. Thank you.

**Ms CLARKE**—Thank you very much for the opportunity to speak. I should say first up in general the Australian Greens Victoria were very happy with the overall conduct of the Victorian Electoral Commission at this election. There was a big change in the upper house and the change always has a few teething problems. The VEC have a hard job and they had 3,350,000 votes from places as far as Antarctica and ended up with only 59 customer complaints. They were always professional in our dealings with them. They have made a big effort for disability access, easy English and so on, very hard-working was our perception. We were very appreciative of that.

I want to raise two main points from the papers that you received which are items 1 and 6 in the paper. I do not know why Stephen has put it at number 6. Those are the principal ones that I will speak to and just cover the others briefly. The first is ambiguities in the formality of the legislative council votes. There are always going to be some problems with people's handwriting and so forth and the type of marks that are made above the line and what counts and what does not. We believe that the VEC need to predict the possible scenarios more carefully and then provide by-laws that rule in each instance, that it is not up to the interpretation of the commissioner on the spot, and especially in a difficult situation late at night on a re-count. To have those ambiguities hanging is unacceptable and it could lead to litigation where if there is a close count—and we had a couple of close counts this time around—where the commissioner is ruling in one way but it is possible, for example, to rule a count of 1, 2, 3, 5, 6, rule that in because the numbers are sequential; rule it out because there is a 4 missing; or you could rule the 1, 2, 3 in and knock the 5 and 6 out and just exhaust the vote after 3. The interpretation that was put on those was to rule them out as a standard, but our preference would be to have that rule treated as a 1, 2, 3, 4, 5 vote because it shows a clear intention.

However our main preference would be to have this sorted out in advance of the next election, that it is not up to a person to make a call and possibly then expose the VEC and parliament to litigation. That is a prevention issue. The other main issue that I would like to raise is the

display of group voting tickets. 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. I know that the Democrats have put a submission in that suggests a condensed way of displaying that information. Our concern is that people were not easily able to find the group voting tickets and thus understand the upper house preferences before the election, and on 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 and it was really a verbal issue. 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, if not on large display in the booths, at all polling booths, then it should be able to be handed out by parties so they can clarify their position and that would improve the democratic standing of these elections. The other issues, I will just whiz through briefly. Some polling booths appear to be understaffed. Whether that was a management issue with the VEC or general understaffing issues is unclear and we do not have a view about, but it did mean that 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. Whatever the cause of that, we would like to see that resolved before the next election. I am sure the VEC will be able to clarify what the cause was.

For the close count information, in similar proportional representation at the elections, the booth by booth data available but in this instance we have not been able to access booth by booth data for the upper house. It is seen slightly that the final result of the booth by booth result will not perfectly tally. It is going to be a complex job and we are not so much concerned about that but to be able to have a look at them and say, 'Why is this roughly whatever it was,' just to improve the overall transparency. Then in 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.

Advertising and training, I think you will have other submissions that are encouraging more advertising and training to the homeless people specifically targeted at #(indistinct) communities, and then there is the general issue of people who have just turned 18 enrolling. We were happy to see quite a bit of advertising but we think that we get a great deal of value interstate out of having full participation and that advertising will help that. There are a lot of people who enrol to vote after the election. Presumably they went to a polling booth and found they were not on the roll, and a bit more advertising might have had them organised in time to participate. That is a bit of a how long is a piece of string issue, and how much advertising is enough is something that is a matter for judgment.

Regarding training, you have one day every four years, you have a whole heap of booth people come in to do their jobs on the polling booth. Obviously training for them is difficult and it is not going to be perfect. They are not highly paid, they are not highly skilled people necessarily but sometimes on 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.

The final thing, the electronic count. The electronic count obviously presented some difficulties with the data entry problem in northern metro this time around which was quite confusing and perhaps embarrassing. Our view is that the count needs to be both transparent and seen to be transparent. 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. Having said all that we think the VEC did pretty well. I would be happy to take questions and I will refer them back to Stephen if I cannot handle them myself.

**The CHAIR**—Just a point of clarification, you are the coordinator. What is that actually?

**Ms CLARKE**—I work in the party office.

**The CHAIR**—You are not the state secretary?

**Ms CLARKE**—I am not the state convenor, no.

**The CHAIR**—Questions?

**Mr SCOTT**—In terms of electronic voting, were you referring to the electronic counting votes?

**Ms CLARKE**—Electronic count, sorry.

**Mr SCOTT**—Because there's electronic voting for the blind. It is a separate issue that we have been dealing with in the committee.

**Ms CLARKE**—Sorry, electronic counting.

**Mr SCOTT**—One issue you raised about advertising, you spoke about young people and enrolment to vote, and I know that is an issue that Mr Luntz has raised in a number of our forums. What would your view be on measures that improve the ability of young people to participate in terms of voting, and particularly improve the access to enrolment for young people?

**Ms CLARKE**—I am not an expert on that. From talking to Stephen before this, his main view is the amount of advertising rather than any kind of qualitative difference. I will ask him if that is not his perception but that is my understanding of it.

**Mr THOMPSON**—Mention was made of the understaffing of polling booths. I was wondering if you could arrange to forward to us the booths in question and times affected.

**Ms CLARKE**—They were principally inner city booths.

**Mr THOMPSON**—Yes, but the actual booths and the particular times and that can be—a report to the VEC—a practical measure adopted.

**Ms CLARKE**—Yes. I am not sure that we will have perfect information about that. The booth staff will be the people who know for sure but certainly there has been a bit of information about not reporting across the Victorian Greens #(indistinct) but I can provide you with the information we have.

**Mr THOMPSON**—That is maybe something we can take up with the VEC and find out what reports they have had.

**Ms CLARKE**—Sure.

**Mr THOMPSON**—In addition to the suggestion of flying squad it might be tackled at local booth level as well if there is a particular peak time.

**Mr HALL**—Alison, I was going to ask whether the Greens had any views on the adequacy or otherwise of early voting centres throughout Victoria.

**Ms CLARKE**—I do not have anything here in particular so again I will take that up.

**Mr HALL**—This a left field question. Do you as an organisation have any views on the method of voting, in particular postal voting as opposed to in-person voting?

**Ms CLARKE**—Sure.

**Mr HALL**—Do the Greens have any views or policy on the conduct of the state or even a federal election by postal means rather than by in person?

**Ms CLARKE**—As I understand it we prefer in-person voting. Can I give you some clarification on that? I do not have anything in writing in front of me about that.

**Mr HALL**—No, that is okay. You can take that on notice, that will be great.

**The CHAIR**—You stated that enrolments—one of the key issues was to have people enrolled. Do you see any strategies? Have the Greens any strategies for the VEC to implement in relation to that?

**Ms CLARKE**—The VEC already implements a whole range of strategies and presumably they are research based. There are effective ways to encourage various demographics to enrol to vote. I think you have some submissions from Hanover about how to encourage homeless people to vote. I dare say there are other organisations that are under-represented that could be asked.

**The CHAIR**—What would the Greens view be on automatic mechanisms, such as anyone that is renewing or getting a drivers licence being automatically put onto the electoral roll?

**Ms CLARKE**—Our view about the recent changes federally that makes it more difficult to enrol. You have to have a drivers licence, for example, or some sort of ID and a lot of young people will not have that—take a fairly dim view of those. Making sure that there are proper procedures to prevent fraud, we would be keen to make enrolment to vote as easy as possible for eligible voters. I do not know the mechanics of what your particular suggestion is and I do not know of any policy that we have about that. I suspect we do not have a specific policy about that, but again I can refer that back to people who are more expert in elections than myself.

**The CHAIR**—Okay. Something else that has come up in relation to this is enrolling to vote, even up until the day of voting or even at the time of voting too. We would be keen to get some feedback on that.

**Ms CLARKE**—Yes. Certainly, the federal enrolment closing on the day that the

election is called we do not think is a very bad idea.

**The CHAIR**—You probably will not be able to give me a response now but I will be keen for some feedback, given that, yes, a great deal of yesterday was taken up by—not a great deal but some part of yesterday was taken up by people referring to the Canadian experience, the Canadian legislation last year, which forbids campaign donations from the corporate sector of unions et cetera. What would the Greens view be on forbidding donations and therefore maybe a trade-off there being increasing government funding or even capping campaigning expenses?

**Ms CLARKE**—We have policy on this and I can send it to you, and I cannot recite it to you verbatim but we are keen to see elections being publicly funded rather than funded by potentially vested interests. It is the # (indistinct) paper and I cannot remember the other author, I am sorry. I do not have the amount—the research they have done on it but that is the direction that we are interested in.

**The CHAIR**—You do have a policy on this?

**Ms CLARKE**—We do have a policy on transparency and the donations policy. For example, we disclose all donations over \$1,500 on our website, so that it is still the requirement. We are concerned to see that political disclosure improves, increases.

**The CHAIR**—I will be keen to have a look at that as well, thank you. No more questions. Thank you for that.

**Ms CLARKE**—Thank you. I am sorry I am not the person that should really be here.

**The CHAIR**—That is all right. You will receive transcripts in a couple of weeks time and you can correct typing errors but not anything of major substance.

**Ms CLARKE**—That is absolutely fine. Thank you very much.

**Witness withdrew.**

**Hearing suspended.**