

CORRECTED EVIDENCE

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2014 Victorian state election

Melbourne — 12 August 2015

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Ms Maria Rigoni.

The CHAIR — Ms Rigoni, thank you for making your submission and for coming along. Obviously given subsequent activities after the election we thought it was important that the Electoral Matters Committee hears from you. Bear in mind that you are covered by privilege for this hearing but that does not cover you for what you may choose to say outside this hearing. If you could state your name and a business address, if you have one, state whether you are appearing on behalf of an organisation or whether you are an individual, perhaps go over your submission and then the committee will ask questions.

Ms RIGONI — My name is Maria Rigoni. I am here in a private capacity, as an individual, and I do not have a business address. I would like to thank you for inviting me to have my say. There is a lot of stuff. We all know that the constitution requires a person, which is a human being, to be elected to sit in the Parliament — that is the thing — and the ballot is a system of voting. Mostly at general elections an elector votes by filling out a paper ballot and then casts that vote into a voting receptacle called the ballot box. I have never heard anyone say, ‘I am voting in two elections at the Victorian state election’, yet there is a notion being introduced into our election landscape that suggests a general election is not 1 election but 128 separate and individual elections.

‘General election’ means an election at which all the members of the Council and Assembly have to be elected at any given point in time. It is one election of 128 people who represent the people in a variety of physical locations within Victoria. ‘Election day’ means the specific date named in the writ for a specific election of one or more people. An ‘elector’ means a person whose name appears on the register of electors. Electoral fraud is an attempt to obtain a benefit to which the person is not otherwise entitled or to cause detriment to a fair election process.

The term ‘early vote’ suggests something quite different to a pre-election vote. Imagine a teacher suggesting that students sit their exam early. Who would that give an advantage to? The teacher? The student? The school? The education process? From the discussion at yesterday’s public hearing it would seem that early voting in its current form is here to stay. Who does that give the advantage to? The electors? The candidates? The political parties? The state of Victoria? Or the election process? Why is there a push for convenience voting to be accepted as normal and for a blind eye to be turned to the fact that the law is being broken in one of two ways — either negligent or deliberate non-compliance by electoral commission staffers or negligent or deliberate non-compliance by electors?

There is another thing with the early voting that is a real concern — because no-one knows who the candidates are until nominations have been accepted by the VEC. In the case of this last election, that was only two weeks before the election. Up until that time no elector knows who they are going to vote for. Most electors do not understand what the voting line really means, and they do not understand either that group voting tickets relinquish their right to elect people to represent them in the Parliament. It is true that a vote 1 above the line certainly does not only elect one party representative to the Parliament.

There are a lot of things that I have concerns about with early voting. The first point I would like to make here is that convenience voting is not something that our electoral act does, or I believe should allow. In the submission from the Victorian Electoral Commission, on page 34, at the very top it has ‘Early voters’:

Convenience was the main factor in the early voters’ motivation to vote early (39%) ...

There were 1 207 538 people who voted early at the last election. So 39 per cent of them makes it a minimum of 470 940 electors who were allowed to vote early who were not entitled to do so. Then, if you have a look here, it says,

Other reasons for voting early included: being in another part of the state or interstate ...

That refers to 22 per cent of people. That means that 265 658 electors may also have not been entitled to vote early. With there being 1786 polling booths in Victoria, I find it very difficult to believe that people could not attend on election day.

There has been a lot of talk about people working and ‘What does it mean to be able to vote?’. On election day I saw a lot of people who were in work uniforms and had work tags. They all could manage to vote, so

why is that an excuse not to be able to vote on election day? The electoral commission has been given lots of compliments and accolades for 'a job well done' at the election. But in a matter of compliance, if I was their boss and they were my staff and I had a licence that was granted to me to operate in the marketplace and I was non-compliant, or my staff were non-compliant, my licence would be at risk. I do not see the number of people who were allowed to vote early at this last election as a reflection of good governance.

You will find in lots of the papers that I gave you some of these easy voting guides. They were pulled out of the bin outside an election polling station. There are privacy breaches there. I have given you all a copy of group voting preferences, which the first is the eastern metropolitan one. This is where you can see it is very difficult for people to understand the how-to-vote cards — to understand the voting system itself, but the how-to-vote cards. If you have a look at these, you will see I have done it for each upper house region, and I have done it in accordance with the Liberal group voting ticket and the Labor group voting ticket.

When people hear things on the television and the news that 'the Liberals made a deal with whatever party and Labor has made a deal with this party' — blah, blah, blah — it is like it is across the board. There is absolutely no truth in that at all. It is very clearly demonstrated here that, apart from the rise up party being allocated the last position on the group voting ticket the whole way through the regions, you will find there is a great variation between the rest of them. That is something that really needs to be taken into consideration with group voting tickets, because if electors are expected to elect someone, they should actually know who they are electing. I find it difficult that our system does not do that.

With the how-to-vote cards, I have a few here. I personally find the Labor Party how-to-vote card very misleading and deceptive for a number of reasons. One is that unless you are in Daniel Andrews's electorate, the Mulgrave district, you could not vote for him, and the people who are on there dressed up in essential services uniforms give the impression that if you are voting for Labor, you are actually voting for those people.

Not all the people who work in those fields actually vote for the Labor Party. Then if we have a look at the Liberal how-to-vote card as well, you will see there is advertising in a very brief format about what they are going to do, so there are lures — or whatever you want to call — to make people say, 'Oh, that is important to me; I will vote for them'. If you have a look their how-to-vote card too — how to vote Liberal in the Northern Metropolitan Region — that is an upper-house position, and yet there is no mention of any one of the candidates who are seeking to be elected to that office on the how-to-vote card. So not only are the Liberal Party candidates not named on that how-to-vote card, but the other thing is that not all of those five will ever be elected to the Parliament, so who else is the number 1 above the line actually voting into the Parliament?

I know the Sex Party how-to-vote card was also mentioned yesterday, and I have to say that when I first looked at it I thought it was misleading as well, merely for the fact that it says, 'Do not mark any boxes below the black line'. I thought, 'Am I being a little bit sensitive here?', so I went and asked my husband and he said, 'Yes, you are being sensitive'. I do not begrudge Fiona being elected; I think she is a woman with integrity and I have respect for her, but I just wonder whether the 29 000 Labor Party voters who elected her would have put the Sex Party as their second preference.

If we talk about postal voting, I spoke to a lot of people who had received up to three postal vote applications from political parties. It confused them and they did not know what was going on. In my personal case with postal voting, my husband is paraplegic so he prefers not to vote on election day. He likes me to get a postal vote too just in case he needs me on the day, so we get postal votes. In the instance of this election I was at the time unaware that, as a candidate, I could not witness his signature on the postal vote application. I did realise that when they were posted out to us and I read the brochure from the AEC which told me. So I rang the VEC and said, 'What do we do?'. They said to me, 'Where are you getting that information from? We were unaware of that', so I told them I got it off their brochure. Then I said, 'What do we do?' and I was first told to fill it in and send it back.

The CHAIR — Excuse me, Ms Rigoni, there is only a certain amount of time allocated, so if you could perhaps come to a conclusion about this, the committee can ask you some questions. That would be very helpful.

Ms RIGONI — The end result was that he was not able to use that ballot paper issued and he was told to apply again. So he applied again and the ballot paper did not come. As a result of that, he had to vote on election day. He was able to vote on election day. It was inconvenient for him and he had to get assistance because he had to go to a different place, but the thing is that he could vote on election day. There is probably a lot of other stuff, but that is okay.

The CHAIR — Thank you very much for that presentation. I wish to go straight to your recommendation 3 on page 5, where in an attempt to try to illustrate why early voting should not be used as extensively as it has been, you suggest that all employers should provide a 2-hour break to allow people to go and vote. Why should the employer bear the cost of voting?

Ms RIGONI — I actually got that from stuff that happens in the federal act. There is reference to that somewhere. I read that employers are supposed to give a 2-hour break for people to do their voting on election day.

Ms SPENCE — What was the point of this? I am sorry, but I just missed what you are trying to say.

Ms RIGONI — My point is that people's private information — their name, their address, which electorate they are enrolled in et cetera — was just thrown out in the rubbish. What if I did that with some of my clients' personal information?

Ms SPENCE — Wouldn't the individuals themselves have thrown that out?

Ms RIGONI — Yes, they did throw them out, but my point is — —

Ms SPENCE — So the breach of privacy is actually with the circulation of them now rather than them throwing their own thing in the bin?

Ms RIGONI — Well, no. The breach of privacy is, from what I was told from the person who got them out of the bin, that it was in the rubbish where you go and pull out your how-to-vote cards from the VEC bins.

Mr DIXON — On the early voting issue, the interpretation of early voting, the questions that are asked and the variations of how they were asked at various early voting centres and the degree of rigour that was applied to that, is that more your issue or is it just the concept of early voting?

Ms RIGONI — No. I have a personal belief that election day is election day. It is actually the law and it is actually the electoral process of the law, but a number of people I witnessed were not asked. It is about the number of people who I have spoken to since who were not asked, and during the trial that was in the Court of Disputed Returns — the question that is being asked is the wrong question. It is a leading question and it makes assumptions about people not being able to vote on election day. The other thing is that if you make a false declaration under the electoral act, it is actually an indictable offence, so the voters, the electors, are not being made aware of the serious issue of making a statement going in.

I actually heard in one of the pre-polling lines — and I had made statements that you can only vote early if you genuinely cannot go on election day, and you have to make a declaration — one of the other candidates turn around and said to the people, 'Look, if they ask you a question, just tell them that you cannot make it'. The whole point of it is that the law is being breached in various areas by the VEC not applying it, by people who are either ignorant of what the actual law is or by deliberate attempts to get people to vote early. With the trend of voting early and the language around it, it is obvious that it is starting to be something that is a preference. I just think it is not right.

Mr DIXON — I think your overall theory is that voting on election day is more important than just the fact that people get a vote. You are saying — —

Ms RIGONI — Well, for me it is. It has an effect on you being a candidate and it has an effect on you being an elector. The reason is that if you vote two weeks before the election and then you get information a week later, you cannot change your vote. In fact in my experience at the Mill Park voting centre there was a person who wanted to vote for the Palmer United Party, but the Liberal candidate told him that we were not standing, because I had not arrived yet to hand out how-to-vote cards. When he came out of the centre he was so angry that he had been misinformed. With the election ballot paper being so large, he would have just said, ‘Oh, well, they are not there’ and followed the instructions of the person who gave him the how-to-vote card. So to say that people would not change their mind or would not vote differently if they had more information is not accurate. It is important that people have all the information before they make a decision.

The CHAIR — Thank you for your presentation and for appearing before the committee. Could I just pick up your point 7 where you suggest that all candidates should be invited to be involved in the Electoral Matters Committee. As a matter of fact, the committee wrote to every single party and candidate who contested the last election.

Ms RIGONI — I did not get a personal letter.

The CHAIR — Your party did.

Ms RIGONI — My party did, but I did not see that. Did you see a letter from the Liberal Party?

The CHAIR — I wrote the letter.

Ms RIGONI — What I am saying is that the only reason I knew submissions were being requested was because another independent contacted me.

The CHAIR — As I said, the rule was that the parties were all written to and every independent candidate was written to, which I think is a very comprehensive touching base, and perhaps you need to take that up with your own party.

Ms RIGONI — You are assuming that once you are a member of a party, you stay a member of a party.

The CHAIR — That is an internal matter for you.

Ms RIGONI — Well, no. I am still a member of the Palmer United Party, but what I am saying is that it is an assumption that — —

The CHAIR — You might want to take it up. I indicate as I have done previously that the Hansard transcript will be sent to you in two weeks time. If you think there are errors of fact in the transcript, you are free to make an amendment to it but obviously not to change the evidence to the committee. Again, thank you for the comprehensive nature of your submission and for your presentation today.

Ms RIGONI — Thank you.

Witness withdrew.