

CORRECTED EVIDENCE

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2014 Victorian state election

Melbourne — 12 August 2015

Members

Ms Louise Asher — Chair

Ms Ros Spence — Deputy Chair

Ms Lizzie Blandthorn

Mr Martin Dixon

Mr Russell Northe

Ms Fiona Patten

Mr Adem Somyurek

Staff

Executive officer: Mr Mark Roberts

Research officer: Mr Nathaniel Reader

Witness

Mr Luke Hilakari, secretary, Victorian Trades Hall Council.

The CHAIR — We will start the last batch of hearings by the Electoral Matters Committee. Thank you, Mr Hilakari, for appearing before the committee and for your submission and your willingness to give evidence to the committee. I remind you that you have parliamentary privilege in the hearing before this committee but if you want to give an interview to the press outside this room you are not covered by parliamentary privilege, and you may wish to consider that before you give any interviews.

Could you please state your full name and business address and confirm whether you are appearing as an individual or are representing your organisation. You might wish to make a couple of comments about your submission and then we will throw the hearing open to questions.

Mr HILAKARI — My name is Luke Hilakari and I am the secretary of the Victorian Trades Hall Council. I am here as the secretary of the Victorian Trades Hall Council, 54 Victoria Street, Carlton South.

I will begin by thanking the Chair, Louise Asher, and the committee for having us here today. Like you, we believe that reviewing elections is an important thing to do and we are very pleased to present before the Electoral Matters Committee. Thank you for the opportunity for us to take a couple of moments to walk through our submission. If we go beyond what would be the normal speaking time, please feel free to give me the gavel and wind me up. Union officials can be like politicians — I understand that.

We would like to begin by thanking the VEC. We think they do an outstanding job in preparing for the election, on election day and well into the night counting votes. We want to put on the record that a well-functioning election means we need an independent commission and we think they do an outstanding job and should be recognised for that.

The Victorian Trades Hall Council is the peak body for Victorian unions. We represent about 40 affiliates and 400 000 union members across this state. Trades Hall and the Victorian union movement is a campaigning movement. That is what we do and we are going to continue to do that, from winning the 8-hour day, to fighting against conscription, all the way to superannuation, the minimum wage and all the leave that you currently see. Right now we are campaigning about family violence leave. We think that is a next step.

We campaign not only to grow and protect the rights and entitlements of working Victorians but also for the conditions under which we live, such as quality education and quality health care. We look at things like emergency services and job security across the state and occasionally at social issues. The topical debate right now would be about marriage equality, on which will be making comments, attending the rally and doing what we do. In other words, as the peak body we are not backward in trying to move forward. We will continue to campaign and we think we do this very well. That is our history and that is also our future.

Additionally it is good to know that the Victorian Trades Hall Council is an independent organisation. We have a number of affiliates who are members of the Labor Party but most are not. We have a number of members who are members of various political organisations that go the whole gamut from the Victorian Liberal Party all the way down to the Greens on some occasions. Again, though, most of our members are not members of political parties.

In the last state election the Victorian Trades Hall Council got actively involved. This was the largest union campaign election effort we had ever made. It was larger than what we did under the Your Rights at Work campaign in this state. We did not take the decision to get involved in that election lightly. We did it because we were in a very difficult industrial environment. People in the professions of nursing and firefighting and paramedics and teachers felt they had received very difficult and unprecedented treatment in relation to the then government enterprise agreements, which is typically where the rubber hits the road between governments and unions. They took longer than they typically should. A normal EBA negotiation might take a couple of weeks — at the most a couple of months — but this time round we had nurses engaged in actions for nine months. For teachers it was two years. With the paramedics we did not even get there, and it was the same with the firefighters. This was extraordinarily long period of time for people to engage in enterprise bargaining and got most of those professions fairly fired up.

The consultative mechanisms that are typically in place to help resolve these types of disputes were dismantled. These were mechanisms that had been set up under previous Liberal and Labor governments, and that was quite difficult. As the secretary of Trades Hall I had no meetings with a minister, a chief of staff or an adviser. That is highly unusual. Even in the most difficult times with Liberal governments, and I am including difficult times under the Kennett government, we still had relationships. We still had constant communication; we still had regular meetings. That was not the case under that government and that has been very difficult.

We would also like to make some comments about some of the submissions, specifically seven submissions. I do not want to mull it too much, but I think there are some things that we would like to set straight on the record. Our members are very proud of the work they do. They feel they are well respected in the community; that is why people listen to them. Without picking on a particular submission, we would like to note that all of our how-to-vote cards were approved by the VEC, all of our material and equipment at polling booths was approved by the VEC, all of our materials were fact checked and were factually correct and all of our materials were properly authorised. We would just like the committee to note that.

Lastly, we represent many workers who work difficult rosters and difficult shifts. Some of them will not get the heads up about when they are working until the night before. Some get more notice; some get heads up actually on the day. We think the evolution of pre-polling is a positive thing. For these workers who leave work and do not know they may or may not be working on election day, the access to pre-polling is crucial for them to exercise their democratic rights.

We would ask the committee to also consider extending pre-poll hours, especially into the evenings. We would like to submit that on several occasions — we are not asking for it to be every night — the extension to 9 p.m. would help shift workers. Typically a lot of shifts might end around 8 o'clock, so if you think about a 12 to 8 shift, that would allow that shift change between 8 and 9 and would just capture that group of workers. We would be keen for the committee to consider that.

In summary, the Victorian Trades Hall Council is proud of our work in the last election. We think the freedom of organisations and people to participate in elections is what makes this whole process democratic. We believe this is a right that should be protected. And we thank the committee for their time.

The CHAIR — Thank you very much for that presentation. Could I just ask: a lot of attention has been paid to pre-poll and some submissions have argued for a shorter pre-poll period. It is hard to summarise so many submissions, but that has been mainly in the interests of volunteer fatigue and hours and whatever. I understand your point about having night access for shift workers. Is it compatible to have a reduction in the number of days but an expansion in the number of hours? Would that still meet your objective?

Mr HILAKARI — Look, we would prefer to have it all, to have both the current sort of days and the extension of hours. I think I understand the point you are making. Maybe some of the parties might find it difficult to staff volunteers, but they have got to get organised with this. We want to see access increased so participation can increase. Our preference would be to keep the current days but do an extension on some of the evenings. Not every evening; we understand that might be too resource intensive. That would be ideal, but I think that might be taking it too far.

Ms BLANDTHORN — I was going to ask the same question or a similar question but as an extension of that. We heard from The Nationals submitters yesterday that they did not believe that that pre-poll period should include the Sunday, on the basis that the electoral commission would have to pay penalty rates. Would it be your view that it should or should not include the Sunday as well?

Mr HILAKARI — It should include the Sunday. The VEC should be resourced to do their job, and it is an important job they do. If you think about the resources needed to pay penalty rates, yes, that is a cost, but those workers are working days which otherwise would be leave time — time spent with family. It would be ideal for it to be extended hours during those periods, too, to give people an opportunity to go out

and cast their vote. But we also should think about election day itself. There are still queues and at some polling booths they are particularly long. The VEC should be resourced to get that job done.

I would also make comment about what I think we saw in the papers yesterday and probably from the VEC's submission, and I am guessing they met you yesterday. There was some discussion from them about counting the pre-poll votes. We think that is a smart thing to do, too. It would be nice to know on that election night which government we are going to expect to see, and not having a number of MPs wondering what that third of the vote may or may not be doing. I do not think that is ideal, so we would be supportive of that as well.

Mr DIXON — We heard some evidence earlier today that you might be able to clarify. Are there provisions for workers who are working on polling day itself? Are employers obliged to give leave for their employees to go and vote? Are you aware of that?

Mr HILAKARI — No. It would be highly unlikely to see employers say, 'Oh, just pop off for half an hour or an hour from your shift' — —

Mr DIXON — But there are no formal provisions?

Mr HILAKARI — No, there are no formal provisions. It might be in some agreements that I am not aware of, but as a standard it is not typical.

Ms SPENCE — In a number of the submissions there have been allegations of people masquerading as workers in various occupations.

Mr HILAKARI — Sure.

Ms SPENCE — Have you any comment to make on that?

Mr HILAKARI — Yes, we would say that would be wrong, and we have heard comments about firefighters in uniform. I think Peter Marshall spoke to you yesterday, and said that they were not in uniform, they were in clothing which had been purchased to represent the profession of firefighters. It is like this glass of water. If you put this water in a mug, it is still water. They are still firefighters — same with the paramedics, nurses and teachers. They were fired up as a profession; they were engaged. And if you look at the broad spectrum of professions, the reason why they get listened to is because they are trusted in the work they do. If you go by the *Reader's Digest* ranking, for example, they are in the top 100 or so professions. Firefighters, nurses, paramedics and teachers are right up the top end. As politicians, I would advise you guys not to look at where you are on that list — —

The CHAIR — We know where we fit. We are right there with unionists!

Mr HILAKARI — I know, and real estate agents and a few others!

Anyhow, that is why they are trusted, and if they are out there representing the profession, it is because they are passionate about the work that they do. They are committed to seeing increases and improvements in the work that they do, and if they are out there campaigning, they are doing it with good reason.

Mr DIXON — Just on that, if somebody is not a firefighter but puts on clothing representing that profession — —

Mr HILAKARI — We would not agree with that.

Mr DIXON — You would not agree with that. Okay, right. We have had a lot of evidence given to us, written and verbally, that that was the case at some booths.

Mr HILAKARI — I would be keen to see the evidence if that was the case. I have yet to see anything on that basis, and we have yet to receive any complaints at Trades Hall.

Mr DIXON — But in general, you do not agree with that if it was being done?

Mr HILAKARI — That would be a problem. If people are going to represent their professions, they need to be professionals. For people not to take that seriously would undermine the credibility of the work they do.

The CHAIR — You made reference to resources being made available to the VEC to do their job, and you mentioned verbally and in your submission that you would like to see a reduction in the time it takes to vote. The VEC made an observation in their submission that they think the public are now getting agitated at the 5 minute mark. Because queuing for voting was a huge issue at pre-poll and to a lesser extent I think on the morning of polling day, is the 5 minute mark a reasonable view in your opinion?

Mr HILAKARI — Yes, 5 minutes I think is at that point. We are of the Twitter generation, so if you have not captured it in 140 characters or 140 seconds, you probably want to move on. But 5 minutes I think would be as long as you would want it. I think any longer than that and people start to feel it is a little bit unreasonable. Think of it, say, like a Coles or a Woolworths queue. If you are standing in that queue longer than 5 minutes, you start tapping your foot.

The CHAIR — Or shop elsewhere.

Mr HILAKARI — Or shop elsewhere! You cannot quite do that for elections, can you?

Ms BLANDTHORN — Just to follow on from Mr Dixon's question: it was put to us by the Liberal Party submitters this morning that they believe that there were people masquerading as workers, that they actually were, for example, putting on the costumes that were provided by the UFU for their career firefighters. But further to that, they could not actually table or point us to any evidence that that was actually the case. It was their opinion or their belief. What is your opinion and your belief as to what happened in that regard?

Mr HILAKARI — If that was right, there would be evidence. If there is evidence, I am shocked that it has not been in the newspapers already. There is no evidence of that, because it just did not happen. The people who were in their uniforms were of that profession, and rightly so. They chose to wear clothing that represented their profession. They were not MFB; there are rules around that. I think Peter Marshall might have spoken about that. There are rules around wearing something that the state basically owns, or whose property it is. But every person who was involved in our campaign who represented the work they did, did that work. To say otherwise would be wrong.

The CHAIR — Thank you very much for your attendance here today. You will receive a transcript in about two weeks. You are able to make alterations if you think there is an error of fact, but obviously you cannot rework the evidence. I am sure Ms Beattie will explain to you the rules of Hansard, because she is very familiar with them.

Mr HILAKARI — Yes, Comrade Beattie. We should note that.

The CHAIR — Thank you very much.

Witness withdrew.