

## **ELECTORAL MATTERS COMMITTEE**

### **Inquiry into functions and administration of voting centres**

Melbourne — 7 June 2010

#### Members

Ms C. Broad

Ms C. Campbell

Mr P. Davis

Mr M. O'Brien

Mr R. Scott

Mr A. Somyurek

Mr M. Thompson

Chair: Mr R. Scott

Deputy Chair: Mr M. O'Brien

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr L. Groom

#### Witnesses

Mr S. Tully, electoral commissioner,

Ms E. Williams, deputy electoral commissioner,

Ms G. Frazer, manager, election services, and

Mr C. Burton, election manager, electronically assisted voting, Victorian Electoral Commission.

**The CHAIR** — Welcome to this hearing of the Electoral Matters Committee's investigation into the function and administration of voting centres. Evidence taken today will be protected by parliamentary privilege. What is said in this room has privilege; however, anything said outside the precincts of this hearing does not. You will be provided with a transcript of your evidence to correct any errors but alterations cannot be made to matters of any substance. I ask you to make a presentation to the committee, and then there will be questions. Are you appearing in a private capacity or in a formal, organisational capacity? If formal, please state your title and address.

**Mr TULLY** — I am appearing in a formal capacity as the Victorian electoral commissioner. I have with me Liz Williams, who also is appearing in a formal capacity; on my right, Glenda Frazer, also appearing in a formal capacity; and Craig Burton, also appearing in a formal capacity. I will introduce their roles in a preliminary statement if that helps you.

**The CHAIR** — Yes.

**Mr TULLY** — We understand the issues of parliamentary privilege. We do not believe that anything we are going to say will give rise to any of those issues.

**The CHAIR** — You never know.

**Mr TULLY** — That is true. Chair and committee members, thank you for the opportunity to meet with you today in relation to your current inquiry and to respond to any questions you may have. I have with me today Liz Williams, deputy electoral commissioner, who, amongst other responsibilities, manages voting centre procedures and electoral officials' training, including all the forms and associated documentation, including all the manuals that are produced.

On my right is Glenda Frazer, who is the manager of resources and, amongst other things, manages the logistics, the printing, the voter centre and office procurement and is also the results manager. Craig Burton, on my far left, is the project manager for electronically assisted voting; committee members may recall meeting Craig once before at a previous hearing. I think I would have put to members how delighted we were to have Craig working with us because he is probably one of the best credentialed experts in electronic voting in the world. He has worked in America and the UK and has a very good understanding of the world industry.

The electronically assisted voting program is being developed in such a manner that it can be made available to other groups, such as the illiterate or motor-impaired, should Parliament decide to widen the franchise. That would be without additional cost. When I was first given the approval from the acting Attorney-General at the time to conduct research in this area that was the nature of the approval, so we have kept within that and developed it along those lines.

A prototype of the system was demonstrated at the most recent Parliament House open day, and it was a popular exhibit. There will of course be a comprehensive hands-on demonstration later in the year, at which we will invite the committee, all registered political parties and other interested bodies to fill out ballot papers and to see how they are used, what happens when we print them out at the close of voting and the security systems that are in place.

I hope you have found our submissions helpful. I just wanted to emphasise at an early stage six major considerations. Firstly, the timing of the federal election is one that will keep everyone guessing but it does necessitate us having very close liaison with our colleagues in Victoria from the Australian Electoral Commission on voting centres and related matters to avoid confusion, and that is taking place.

Secondly, the fact is that the Victorian election will be held in the bushfire season. We understand that if there is a total fire ban in some municipalities those municipalities will not allow their facilities to be opened. We have some negotiations to do there.

Thirdly, there is the need to plan to keep absent voters — that is, the voting in envelopes with declarations — to under 200 000 statewide, as these are the voters who can cause delays and queues, especially if they come in large groups or families, because they take longer to have their paperwork processed. The AEC, with its larger divisions, is able to keep its numbers under 200 000. We both have around the same number of absent voters. They do it with the luxury of having higher trigger points, because they have larger electorates. That means their

joint voting centres have higher trigger points for being established as such but the impact of how many absent voters they have across Victoria is about the same.

Fourthly, the election plan, which we spoke about last time and which was circulated last year, still remains relevant. Whilst it will clearly need to be updated following the conclusion of your inquiry, the VEC remains committed to appointing separate election coordinators for each of the eight regions, ensuring that no lower house election manager is responsible for more than two districts, increasing the staff loadings for voting centres and placing an early voting centre in every district. We made those commitments, and we are working towards delivering on them.

The plan also expressed three things. Firstly, that the VEC does consult on voting centre locations with all political parties and independent members, as they are often best placed to provide a consolidated response that addresses any internal differences of opinion and we believe that process is fair to all electoral participants. Secondly, on the upper house count systems and processes, we undertook to completely re-engineer the upper house count. Now all the papers will be retained in polling place order throughout the count and all the below-the-line papers will be keyed and verified. We have outlined all that in one of the papers that we have included with our main submission. Thirdly, in the plan we indicated a commitment to writing to every elector after the roll closed to advise them of what district and region they were part of and what voting centres applied to them for the election, and there will be an associated campaign that encourages them to take that voting advice card or EasyVote card along with them. We think that is an important step in helping electors to have knowledge as to what district and region they are in.

Returning to the fifth major issue that I wanted to bring before you at an early stage, it is practicalities. It is not usually easy for us to procure the right type of office, early voting day centre or even election day centre in some locations at the right cost with the right level of accessibility for the right period. Compromises notoriously have to be made. I know that some committee members have been critical of premises that we have hired in the past as being not that accessible to public transport or whatever. We have certainly made some adjustments to our procurement plans for offices in areas where it is difficult to get premises. We have put some of those in place in the most difficult areas, and we have extended the lease times. Even then, with six-month leases, it is often very difficult to secure premises in a market such as exists at the moment in Melbourne and its suburbs. A lot of landlords would not want to put at risk a longer term tenancy for 6 months or sometimes even 12 months. Some of them, without being rude, are pretty keen to get a good rate of return on the rental as well, which is sometimes a bit hard for us to even justify, so we cannot go with those.

Sixthly, the VEC is continuing to establish strong community links with key groups, and its voting centre staff will be even more diverse than in 2006. Just one example is the Aboriginal community. I will leave with your executive officer today an article that has just appeared in the *Koori Mail*, which has given some coverage of our new Aboriginal advisory group, which is a group of very well-credentialed people who assist me with matters of consulting with the Aboriginal community in Victoria.

In conclusion, I can also confirm that within each voting centre there will be processes to check that all required notices, particularly on the upper house group voting tickets, are placed appropriately. I also advise that initial briefings with political parties are nearing completion. All parties have been advised of the committee's current inquiry, and I note that some have made submissions. The VEC has responded to all the submissions that were posted on the committee's website last Friday. We just needed to tidy up some minor grammatical and other matters with that submission, and we have forwarded that to your executive officer. It has been passed on to him, but the nature and the meaning of what we were trying to say, in trying to be helpful in turning that around quickly for you, stand. We are ready to respond to any questions you may have.

**Ms CAMPBELL** — I found interesting your comments in relation to the prepoll centres and the difficulties you have, having been through the torture of trying an accessible electorate office in an area that does not have much office accommodation free at the moment. I offered a suggestion, and I am probably familiar with what is available because I have spent 12 torturous months trying to find suitable alternative accommodation. Have you considered using the expertise of upper and lower house MPs to assist in this regard, if you are finding it equally torturous?

**Mr TULLY** — I have. I am always overcautious when it comes to fairness and perception of fairness and not wanting to put people in difficult situations. I tend to invest in my own staff and make them go out and do

the hard yards in the electorate to see what they can find. Most of them are fairly rigorous and comprehensive in their coverage. Of course we need to be aware of licensed premises and of how close premises are to MPs' offices. We would not want to find ourselves in a position of having premises that are those of a business acquaintance of an MP. Stuff like that is something that I am very conscious of, not wanting to compromise anyone. It is a task that we give our election managers. Generally I think they do a good job.

**Ms CAMPBELL** — You are talking about the local district?

**Mr TULLY** — Election managers, yes. The person we have in charge from a central perspective of the project comes from a real estate background. She understands leases, the difficulties of short-term tenancies and whatever. She is a well-credentialed woman. The others know their areas and we are doing the best.

For Pascoe Vale and Essendon, I might ask Glenda Frazer just to give you an indication of what we have found for that area. We have found something for an election office and one of the pre-poll centres for the combination of Essendon and Pascoe Vale.

**Ms FRAZER** — We have secured a venue at the top end of Keilor Road, where it meets Treadwell Road, at the top end of the electorate for Essendon. We have not got an early voting centre yet for Pascoe Vale.

**Ms CAMPBELL** — That is for Niddrie.

**Ms FRAZER** — No. It is quite confusing because the Niddrie locality is actually with the Essendon district and it sort of shares. It crosses over the boundary, so it splits Niddrie as the locality.

**Ms CAMPBELL** — I know Treadwell Road really well. Are you saying that for Pascoe Vale you are testing?

**Ms FRAZER** — We will put an early voting centre there. In Pascoe Vale we will have an early voting centre. The election office, which also provides early voting, is in the Essendon district.

**Mr TULLY** — You will have one there. Even if we set up a tent in a park, you will have one in Pascoe Vale. In some ways I am pleased that one of the committee members has firsthand experience of the difficulties of getting short-term accommodation. It is not easy.

**Ms CAMPBELL** — I was trying for long term and could not find any, so good luck with short.

**Mr O'BRIEN** — Commissioner, this might seem like a parochial question, but it has got a broader relevance. My eyes did turn to the proposed voting centres in my electorate of Malvern. I noticed that the Vision Australia voting centre — which had acted as both an early voting centre and an election day centre but also, crucially, a centre where people with low vision or visual impairment from across Victoria could attend and engage in trials of some of the electronic voting methods — is not listed. Is there an intention to use Vision Australia as an early voting centre and to continue with electronic voting trials there?

**Ms FRAZER** — Both. Yes, it is an early voting centre with electronically assisted voting, and the election manager has been out to do the review of voting centres in the electorate and recommended that we also open on election day for that venue as well.

**Mr O'BRIEN** — Do you know for how many voting centres you are proposing to offer electronically assisted voting?

**Mr TULLY** — At this stage it will be available at every early voting centre but not on election day. That is 100 and something locations. We will also have electronic voting in the UK, but not only for the disabled. That is just for general purpose. The law allows us to do that, trying to sharpen our focus in the UK.

**The CHAIR** — To seek clarification, you are saying for overseas voting the law allows it?

**Mr TULLY** — In the UK. There will be four sites. We will have one in Edinburgh and three in England, and people will be able to cast their vote electronically at those sites. We will have officials who used to work with us full time in England supervising that process.

**Mr O'BRIEN** — You mentioned that you are proposing to use the EasyVote card system again. My experience, and I think most members' experience, was that it was most helpful to voters. You said that you would be proposing to send those out when the rolls close. It is my understanding, from an announcement made by the Attorney-General yesterday that in fact the rolls in Victoria will not close — the rolls will be continual and you can turn up to the polling booth on election day and attempt to cast a vote. How are you going to determine when you can send out your EasyVote cards, and what impact is it going to have if you send out an EasyVote card to somebody who then subsequently changes their enrolment details between the time you sent out the cards and election day?

**Mr TULLY** — I need to be respectful of course of the parliamentary processes. We will work within whatever the Parliament decides. I am not sure whether there will be a savings provision as a means of picking up people who come to a voting centre after the notional close of roll or whether there will not be a close of roll. I suspect that there might still be a close of roll and a savings provision that will exist for those people who are not on the roll to be able to enrol and vote on the day. I am anxious not to get involved in processes and issues that are clearly before the Parliament, but I would have thought that there is still a possibility that there will be a close of roll date. If there is not, we will pick a date and send it out between one week and two weeks before polling day to whoever is on the roll at that time.

**Mr O'BRIEN** — What would happen in circumstances where somebody advised you that in fact they are not living in the electorate that you sent them the card for but are living in a different electorate?

**Mr TULLY** — Again, we would have to work with the legislation that comes our way, but my understanding would be that if they are on the electoral roll, that is the starting point for their entitlement to vote, and if they are not, they can claim, as I understand it, a provisional vote which would need to go through some checks and balances and be taken in an envelope before it was admitted. Again, I am reluctant to get too deeply into this area because I do not know how the law will finally come out. It has to be debated in the Parliament.

**Mr O'BRIEN** — So you have not been consulted on this by the Attorney-General?

**Mr TULLY** — Clearly it would be not accurate to say that we have not been consulted. We provide information about electoral processes and practices that exist within Australia and, where we are knowledgeable, outside Australia. We provide information to anyone who asks about what some of the issues may be about certain practices, but certainly — and I hope you agree — we do not advocate positions other than those of an administrative sense. These are policy decisions that the government will take to the Parliament, and we will wait and see what comes from that.

**Ms BROAD** — Could I ask some questions that go to the matter of the organisation of joint voting centres, which have been canvassed in quite a number of submissions? I will perhaps focus on some of those very practical issues that people have raised concerns about and some of the suggestions that have been made to deal with confusion and congestion, I suppose, to summarise. In particular I refer to suggestions that have included having separate areas within the joint voting centre for people to vote depending on which electorate they are in, and secondly, a central roll so that people do not get into that situation where they are mistakenly in the wrong queue and by the time they figure out which queue they should be in they are somewhat agitated. I think in your written response to the submissions you have referred very briefly to some of these matters, but I am interested to have you talk in a bit more detail, if you can, about those very practical concerns that have been raised by a wide range of people both in submissions and with members of the committee.

**Mr TULLY** — Thank you. It is certainly something that we clearly need to turn our minds to because I do understand that there are some parts of the parliamentary group who do not like joint voting centres. I will not go into the arguments, other than to say that clearly they are our response to predicted numbers of people who we believe are going to attend that voting centre location regardless, so they are going to come. With a federal election, where the boundaries are bigger, it is likely that they will go to the same centre for the state election as they did for the federal election, assuming that the federal election is before the state election. Does that make sense?

**Ms BROAD** — Yes.

**Mr TULLY** — They are habitual, so if they went there for the federal, they are in the right federal division. If they go to the same one for the state, they are voting outside their district although they are in the same federal

division. That is what we are trying to cater for. The EasyVote card is clearly a predominant strategy — to write to them all and tell them what district they are in, so that they are aware of that. Last time, with our EasyVote material we were trying to introduce the upper house changes and to do a lot with it. This time it will be very focused on: here's where you vote. So the predominant strategy is giving them that EasyVote card.

With the voting centres, there are arguments for whether you have them in separate buildings or with separate entrances. Some people get upset if they are in one building and they have to go to another building. They would rather go to just a table down the hallway. Signage is clearly going to be important and also the officials who are guiding them. We will have more people with little I's on them or whatever they have. The trouble that we have with our information officers sometimes is that people think they are party workers and as these people with the big I's on them come for them, they run away. We will do some work about that campaign but there will be more people out there directing, and inside there will also be more people directing, and it will clear as to what voting centres within the facility are what. I am reluctant to have them in different rooms or in different places, because I think that often people will just get confused and get angry, which is what we do not want.

We are doing a lot also with having a voting centre look-up in every voting centre or a facility in every voting centre, so we will be able to direct them clearly to where they need to go. I am hoping that the EasyVote card, the signage, more staff on the ground and more maps if necessary out the front will all assist in the easy passage of those.

I remind you, through you, Chair, that if we do nothing, these people are going to go to those voting centres anyway and queue up for absent votes. I probably am advocating this: the parties are better off knowing that people are going to go there in numbers, and we will give you our projections of what they are, so that you can service them with how-to-vote cards if necessary.

**Ms CAMPBELL** — As a follow-up, when you are giving people the EasyVote card, will you put the joint voting centres on? The reason I say that is because of the confusion that often occurs. Will you be saying, 'We recommend you go to these following places'?

**Mr TULLY** — I understand your question.

**Ms CAMPBELL** — If that is humanly impossible — you would use better words than that — there is an option.

**Mr TULLY** — It crossed my mind that we not, but I think that is in conflict with the legislation where we need to advertise voting centres for the district.

**Ms CAMPBELL** — But you could put, 'It is highly recommended that you go to one of the non-joint voting centres, for ease of administration'?

**Mr TULLY** — Through you, Chair, it is a very good question in principle. My issues about some of the voting centres are that we actually need the joints to work as well, so that the others do not get overloaded. We need them to have some flowthrough in those other centres. If you have a look at some of the statistics of the districts, places like Keilor and Narre Warren, they are getting over 50 000 electors in the same community infrastructure. If we had success in forcing all those — which I do not believe we would anyway — into the only centres within their district, they would be very overcrowded. We need a broad strategy and a broad arrangement of voting centres to cope with the numbers that we have to in some districts. You do not seem convinced. I am saying that when there are 50 000, if all those 50 000 just voted within Keilor, we would struggle with the facilities just within Keilor to take those numbers.

**Ms CAMPBELL** — The reason I probably frowned was that I was thinking that if it is at a school there are a heck of a lot of classrooms in a school. I am not running it, but to me you would just put on an extra classroom.

**Mr TULLY** — With some of it we need bigger rooms than just classrooms.

**Ms CAMPBELL** — All right, the hall. Anyway, that is for you.

**Ms WILLIAMS** — If I can just add, in terms of the process inside the venue, the instructions that the voting centre managers have are to establish separate areas for each district. As the commissioner said, with the aid of a

look-up hand-held electronic device with the roll on it, they can easily identify where electors should go, together with their EasyVote card. There also needs to be one absent area for electors who come from outside those two electorates anyway. That is why we are a bit reluctant to suggest two rooms, because then we would need two absent areas. We do not want to be moving electors between those two venues.

**Ms BROAD** — Just to drill down through that, because the practicalities are what have exercised a lot of people, if you have the two separate electoral district desks, for want of a better term, and someone, in the belief that they are in one particular district, gets to the front and it turns out they should have been in the other queue, what then happens to them?

**Ms WILLIAMS** — They will just be directed straight to another table, with no further waiting.

**Ms BROAD** — So they do not have to go — —

**Ms WILLIAMS** — No, they will not go to the back of the queue. They will be directed straight to the other table. We will have additional staff there who will be able to roam up and down the queue with this device as well and check where electors are enrolled, see if they have their EasyVote card and direct them to the right area.

**Mr THOMPSON** — This matter has already been touched on, the delays at certain voting centres where there have been large population increases. I am just wondering what prospective provision is being made for some of those seats, such as Keilor, Narre Warren South and Narre Warren North, where problems have been raised. Are you increasing the number of booths and staff in those areas so that when people go along to vote in the area they are not in a queue for 2 hours?

**Mr TULLY** — Through you, Chair, we certainly do not want anyone in queues for that long. If we look at the Colmar Brunton report, we had 95 per cent of people being processed within a few minutes. There were some areas in which clearly we need to undertake major adjustments in staffing numbers and premises. If the commonwealth election is before ours, we will also have the benefit of their statistics as to how many votes they are taking at various places and will make further adjustments. We have increased all the loadings, the staff per loading on tables; we have more staff assisting in shared locations; and we have some 4-hour staff that we are trying to inject into voting centres for busy times during the day. There is a whole range of initiatives that are aimed at attacking those booths in areas where the population has gone through the roof, so to speak. We have got things in place. If the federal election is first, we will even finetune it and not have the queues where they have them.

**Mr THOMPSON** — As the corollary to that question, is there a statistical average of voting times across metropolitan Melbourne where it might be busiest, or is it an irregular pattern that is not consistent across metropolitan Melbourne?

**Mr TULLY** — In relation to that question, all electoral commissions fell into the lines of ‘vote early’ — not ‘vote often’ of course but ‘vote early’.

**Mr THOMPSON** — There are precedents for that.

**Mr TULLY** — I should not have said that. They certainly have said ‘vote early’. It would have to be true that to say that a lot of people are lining up to vote well before 8 o’clock and that our busiest periods are typically before lunchtime. That message took a while, but that one did get through, so quiet times are generally — watch me be proved wrong — between 1 and 4. That is the quietest time. I think that is just the habitual stuff. We always said vote early because we did not want people to forget. Our messages will be more balanced, suggesting that people make a point of making time to vote and that 1 to 4 is not a bad time.

**The CHAIR** — I might ask a question just to seek a bit of clarification on information you have given the committee about informality at joint voting centres. Looking at the statistics, it seems to be a much greater issue for those who are voting outside the district that they reside in. It seemed to be a very minor issue in joint voting centres where people were voting within the district in which they resided, but there was a jump — I think it was around 0.8 per cent — in the level of informality, which is about a 20-odd per cent increase in the informality rate from the rate for those who are voting outside. From your point of view, it seemed to be your

hypothesis that that was probably due to information not being provided to electors by candidates and political parties in the form of how-to-vote cards. Is that your general belief?

**Mr TULLY** — Yes, it is my general belief. If you have a look at the joint voting centres that are within the district, it is sort of half and half, and the raw averages across them are about the same. If you look at those who are voting outside their district, we would agree that the informality is marginally but significantly higher, and we put that down to how-to-vote cards. The statistics are always interesting. You can come at them from various perspectives. I note the Australian Labor Party put in its statistics, which make interesting reading as well because what they show is that informality drops. I am not sure how they have drawn their statistics. There is a table at the back of their submission which actually shows that informality drops with joint booths. That is an interesting comparison.

**The CHAIR** — But from the information that was provided to the committee, when people are voting outside their electorates suddenly there is a much clearer correlation with higher rates of informality than when people were voting within the electorates in which they reside.

**Mr TULLY** — Yes, I would agree with that. I do put it down to how-to-vote cards, because it is the only difference that there is. That goes across all parties. The Labor Party may well have how-to-vote cards, but if the Liberal Party does not, that will have an impact on Liberal voters and so on. That is the only thing that I do not think is constant. What we are trying to do by having joint voting centres and making clear how many votes we are expecting as a minimum is to make it clear to all candidates, and they can make whatever adjustments they need. We noted with interest the member for Yan Yean's submission where it was pointed out quite clearly that there were some difficulties there for that candidate to deal with in terms of how-to-vote cards. I thought that it was a very perceptive submission; one that recognised that fact.

**The CHAIR** — And from what I understand, you have committed not to have three electorates at any one voting centre.

**Mr TULLY** — We have committed to reduce the threes. I will leave it to Glenda to explain. Knowing Glenda, she has probably got maps and everything to demonstrate why we need threes there and to leave them. I will leave it with Glenda to talk you through those, which are the triples.

**Ms WILLIAMS** — Just before that, to clarify that — we have committed not to have three electorates operating from one office.

**The CHAIR** — Okay, yes.

**Mr TULLY** — Which we did last time. It nearly killed some of them.

**Ms FRAZER** — We had nine triples in 2006. We are down to six this time. The reason we are down to six is definitely the positioning of the voting centres themselves. The only venue we have been able to make available is within that very nice corner where three districts intersect. We have done the statistics on where the voters will come from, and the numbers warrant keeping those six as triples.

**Mr TULLY** — But we can leave the maps with your executive officer if you would like to see them.

**Mr O'BRIEN** — You mentioned that you are going to be increasing staffing numbers at your voting centres to try to cut queues et cetera. Have you done any modelling on what impact having election day registration and voting — for want of a better phrase — is going to have in terms of your staff? How long is it going to take a person who finds out they are not on the roll to go through the process of getting on the roll and then casting a vote or a provisional vote or whatever it is going to be? Have you done any modelling on how long that is going to take per person, how many people will be in that position based on the last election and what that is going to mean for your staffing requirements and the orderly administration of voting on election day?

**Mr TULLY** — Yes, it is a very good question. At the last election in 2006 I was very keen for everyone who went to a voting centre, regardless of whether they were on the roll or not, to be offered a vote. If they were not on the roll, they were to be offered a provisional vote to see whether an error had been made in compiling the roll. I did not want to have our electoral people turning electors away by saying, 'You are not on the roll', because I think that leads to undesirable consequences. New South Wales suffered those undesirable



consequences with some publicity about thousands being turned away and not being able to vote. I think, Deputy Chair, you may have asked me questions on this same topic before. From having that approach, there were about 66 000 people or so who came to a voting centre thinking that they were on the roll and wanting to vote; they were real people so we were able to identify them. Their votes did not count in the main; I think it was something like 2,617 that ended up counting. In terms of the modelling that you are talking about, my response to that is that we already had them in our base allocations because we had already encouraged them to go and fill out provisional votes so that we knew them and could follow them up to get them on the roll. My suspicion is that there will not be very much more work at all because we have already identified who they are in 2006. We have already provided them with the service in 2006. This time, if the legislation goes as you are indicating it might, their votes will count, whereas in the past they have not.

**Mr O'BRIEN** — But on this occasion they are going to have to actually enrol, are they not? And you have to work out whether they are off the roll or whether they are on the roll but in the wrong spot.

**Mr TULLY** — Indeed.

**Mr O'BRIEN** — But this is going to happen on the day at the booth, is it not?

**Mr TULLY** — We were committed — —

**Mr O'BRIEN** — Sorry, just to confirm — this will happen on the day at the booth?

**Mr TULLY** — Again I am reluctant to hypothesise what the Parliament might in the end decide. All I can say is we are committed in any case to looking up everyone on the roll. There will be roll look-up in every voting centre. It is part of what we have wanted to achieve for the 2014 election, to have that facility. We want to develop that facility so that we can mark off people online so that when they come to vote they are marked off the roll centrally and there is no chance of people voting more than once accidentally. That is the long-term aim of the VEC: to have an online central mark-off. This is the first step that we have put in place anyway. Last time everyone should have been looked up exhaustively to see whether they were on the roll or not. It is not a new step.

**Mr O'BRIEN** — But if they are not on the roll, they would then have to enrol before they could cast another vote.

**Mr TULLY** — Yes, sorry. You are right to be impatient: I am slow in coming to the point. The design of what we would see as feasible is having an application for a provisional vote and an enrolment application in the same form. It would be exactly the same form that would enrol them and give them a vote.

**Mr O'BRIEN** — Have you done any modelling on how long this is likely to take?

**Mr TULLY** — Yes, we have. It would take the same time because it is just a difference in the form. A form had to be filled out for a provisional vote in 2006; a form will have to be filled out for a provisional vote in 2010. The form has been redesigned so it will double as an enrolment form. Both scenarios require a form to be filled out.

**Mr O'BRIEN** — Okay. But if it is a different form, presumably it requires more information?

**Mr TULLY** — Not much more. But again I am reluctant because you are trying to get me to comment on legislation that the house has not even debated yet.

**Mr O'BRIEN** — I am asking you to comment on the requirements to validly enrol. If I wanted to enrol and I turned up to you, Mr Tully, and said, 'I am not on the roll, I want to enrol so I can vote today and have my vote count' — —

**Mr TULLY** — Yes.

**Mr O'BRIEN** — What do I need to produce? Other than filling in a form, do I need to produce some form of identification?

**Mr TULLY** — That again will be in the legislation.

**Mr O'BRIEN** — What is the current status?

**Mr TULLY** — The current status would require them to nominate either a drivers licence or a council rates notice or an electricity or utility notice. Because these votes will be in envelopes they will go through the same process that they have in the past and I would mark them off centrally, or scrutinise them centrally, with databases and arrangements that we would have to have in place if these arrangements go ahead. So we would be able to check with the databases from various organisations whether these people are who they say they are and whether they are living at that address.

**Mr O'BRIEN** — And if the person didn't — —

**Mr TULLY** — We would do that outside the polling booth. Sorry, that is the point that I have not answered very adequately. We would do that in the week after polling day, as we do now. The only difference would be is that once we can reasonably clarify it, on whatever regulations or whatever the Parliament approves, we will have a week to do that, like we have had up to now. We will use that week. We will be responsible and reasonable and admit a lot more votes as a result, I would suggest.

**Mr O'BRIEN** — There will be somebody there who will —

**Mr TULLY** — These will all go to — —

**Mr O'BRIEN** — No, but on the day. I am trying to work out about the administration of election day and what is going to happen to the voting system. That is what this inquiry is about. My question is is there going to be an election officer who is going to have to sit there and require forms to be filled out that constitute an application for a provisional vote, the vote itself, an application to go onto the roll, and also viewing of the relevant ID? Is that going to take place there or does that take place at a separate time?

**Mr TULLY** — Well, it will take place in the voting centre.

**Mr O'BRIEN** — In the voting centre.

**Mr TULLY** — And the vote will be taken in the envelope and then there will be a verification process put in place, depending on what the law says, in the week after polling day. But as much as you might not like my answer on this, it is not much different from what happened in 2006. The only difference will be that most of those 66 000 votes will count, whereas in 2006 hardly any of them counted.

**Mr O'BRIEN** — It is not about whether I like your answer or not, Mr Tully. In your evidence you seem to be suggesting that a process which involves enrolling to vote, not just applying for a provisional vote, is going to be essentially no different in time. I am questioning you on that because, to me, from what your other evidence has been, there is going to be, whether it is part of the same form or different forms, more information that needs to be provided. There are IDs that are going to have to be checked or produced and checked. This is all going to take place at the polling booth, on the day, while there are queues around. You say there are 66 000 people who are going to be in this position, so every one of your voting centres is going to have to be equipped to deal with these people.

**Mr TULLY** — As they were in 2006.

**Mr O'BRIEN** — Yes, but in 2006, they were not enrolling to vote on the day, were they?

**Mr TULLY** — No, but they were filling forms out and they were putting their votes in envelopes.

**Mr O'BRIEN** — But they were not enrolling to vote on the day and they were not looking at ID on the day, were they?

**Mr TULLY** — No, but they were filling in forms on the day, and that form will be a dual form, unless the Parliament comes up with something that is unworkable, and then I will do the best I can to advise you. But on the basis of what I have seen so far, it is possible to have a declaration form that also doubles as an enrolment form. And doesn't that make good sense any way? Even if the legislation did not go ahead, that is what I would be trying to do — to have a form that doubles. Even if it does not count for the current election, it can count for further elections. It seems to me to make sense, whilst they are there, to capture them. At the moment we get

them to fill in the declaration form and we ask them to fill out an enrolment form. Some of them take it away, most of them do not come back.

**Mr O'BRIEN** — I will leave it on this point, Mr Tully. I hope you are not being overly optimistic in suggesting that having — —

**Mr TULLY** — So do I.

**Mr O'BRIEN** — Having greater levels of forms, with more detail and the checking of ID on the day, is going to be no additional burden on your staff. I hope that you are not being overly optimistic and we are not going to see chaos on election day because you are of the view that this is not going to lead to any increase on the burden of your officers.

**Mr TULLY** — Indeed. Can I say yet again, Chair, that I am anxious about this. I come here with goodwill, trying to answer the questions to the best of my ability. I do not know what the final form of the legislation will be. I cannot give cast-iron guarantees. All I can do is talk about in principle what I have said I think has happened in the past and what is the logical extension to happen in the future. If the Parliament comes up with something completely different or with more onerous tests, clearly that is going to create more difficulties, which I will say. But I come here with the wish to try and implement whatever Parliament decides. It is as straightforward as that. I am not advocating a position, but clearly some things are more administratively convenient than others, and that is where I do feel I have got something to offer.

**Ms CAMPBELL** — Thank you. My concern is how we are going to make sure that the scrutineers, the VEC, the political parties, the media and the general public are confident of election results and how the data is entered. As you would know, I have been particularly interested in the count in the upper house. My Pascoe Vale electorate — just as an aside, I might take something up after I have asked about the count, or give it to you on notice so that everybody else has a chance — will have joint booths, with the exception of Strathmore North, with all the seats that are in Melbourne's north. Strathmore North will be a joint centre with the west for the upper house. In relation to the count in the upper house, I want to make sure that we are absolutely critically clear to one and all that the result is according to how people vote.

I would like to know: will the VEC be publishing a running tally on a daily basis of the number of ballot papers issued and returned prior to election day? What information is recorded on the voting centre declarations, and is this information recorded on the VEC EMS system? Is the information available to scrutineers. Is there anything preventing the VEC from publishing the detailed voting centre returns? Will the VEC provide copies of the below-the-line preference data files and make them available to scrutineers, so that is the primary count, the secondary count and any recount? Will copies of the preference data files be published on the VEC internet site? Why are informal votes not recorded on the EMS system? Additionally, what data backup procedures are in place to ensure that data files are not overridden or destroyed? That all goes to what we collectively want to ensure, and that is a sense of confidence in the outcome for all seats. Compiling the results for the lower house — from your perspective, I imagine— is a little easier than for the upper house.

They are the questions. It might make it easier if you run through them with this in front of you.

**Mr TULLY** — Let me respond, and I think I responded before in a similar way to other questions like this. The way that our reconciliations have to run is that they are aimed at each election standing on its own and each election being scrutineered on its own. To go into more detail, I have already given the commitment that the voting centres' papers for the upper house will follow right throughout the process. So the upper house votes will be counted in the voting centre on the night and they will be transferred in voting centre order to the new regional coordinator. The new regional coordinator will have a slip that says, 'This is such and such voting centre, these are the number of votes that have been taken and this is how they have been distributed'.

The regional coordinator will go through and recheck every one of those ballot papers in front of scrutineers, so the scrutineers will see what is coming in and what the recheck determines. If there are any differences, so be it; there will be differences, but there will be a clear follow-through. The above-the-line votes will stay with the regional coordinator with a number on the top. The below-the-line votes for that voting centre will be transported to the computer count centre. The computer count centre will keep them in that order and they will be entered by one operator and then verified by another operator.

Votes that come in after polling day or on polling night from other areas will be counted by the district manager — this is the only responsibility they will have for upper house papers — so ones that come in from early voting or postal voting will be counted in the district office; they will be set up as a batch. They will be checked as if they were a voting centre in the regional coordinator's office and the same process will take place — the below-the-lines will be separated out to go to the count centre.

**Ms CAMPBELL** — Before you go any further, how will they be recorded onto the VEC website?

**Mr TULLY** — This is the question I ask: for what benefit and for who? Because my major consideration is supporting the scrutineers in the process. Every time ballot papers move, scrutineers will have seen the first count and they will see what happens as a result of the recheck. What you are asking me to do is something that I think would be almost impossible.

**Ms CAMPBELL** — Can I interrupt and answer your question. You said to me, 'What would be the benefit?'. The benefit would be that if there were a difference between the first count and the second count, that would show up.

**Mr TULLY** — And scrutineers can see that now. Scrutineers will be in the position to see that now. If you are asking — —

**Ms CAMPBELL** — But it is not on the website.

**Mr TULLY** — I am not sure what benefit there would be and how I would do it.

**Ms CAMPBELL** — I will tell you the benefit from my perspective. The scrutineer would be in a room full of ballot papers. It could be the equivalent of a town hall; there would be piles absolutely everywhere. It is physically impossible, as a scrutineer, to count on every table. The advantage would be — and let us talk about a particular example like in Melbourne's Western Metropolitan Region last time where 478 votes were different between the first and second count — that it would be known and it would assist, in my view because I have done a lot of scrutineering, to help identify where that error may have occurred.

**Mr TULLY** — But the combinations and permutations of what you are asking — I would ask you to reflect on and maybe help me through it. If there are 1800 voting centres, each one of those voting centres, and that includes international, interstate, out-of-district, have all got the potential to issue votes for a district and for a region, so the matrix you would have to set up in paperwork and electronically would be huge. It would be 100 000 pages. I just do not think that is feasible.

If you take what happened in the Western Metropolitan Region last time, the scrutineers who were there, if I focus on the Labor scrutineers, knew exactly what was going on; in fact they told me the result before I pushed the button. They knew exactly where the votes were going and where they were haemorrhaging from.

**Ms CAMPBELL** — Who knew where the 478 votes were that were different between the first and second count?

**Mr TULLY** — I have explained that as best I could in the past. They were done under different scrutiny conditions and there were a lot of torn papers. Under this regime there will only be one regional coordinator who will have to work out how they are going to deal with torn papers; there were hundreds of torn papers. Whether each bit was counted or not in the initial count, I honestly do not know. What I do know is that I counted every paper that came into that voting centre under an extraordinarily high rigour of scrutiny, not only of the scrutineers but also of the processes I put in place, the table managers and other people. Every vote there was put in one by one. I suspect that what could have happened in some of the districts where they were initially checked is that there was a rough count done; it was not done under the same scrutiny conditions. I would put to most people that if you are counting those large ballot papers and you are not used to them, it is easy to overcount, particularly when you have folded ballot papers — to count them twice.

I will look at this for you because I understand your interest. It is just a question of how you would do it. With a matrix of thousands of reconciliations and ballot papers, I am not sure how I can do it to satisfy.

**Ms CAMPBELL** — Could I offer one suggestion? It could be done if the voting centre return information shows the number of ballot papers issued, spoiled and returned.

**Mr TULLY** — I can make these available to the scrutineers. My issue is that I need to concentrate on the reconciliations. And you are right; last time, if that had gone to a Court of Disputed Returns, I would have said exactly the same to the court, ‘This is what we have done. This is what has happened’. You can only count the ballot papers you have before you, and I am sure that we counted every ballot paper before us on a very determined and individual basis. This time I am putting in place a very clear double-entry for all of those below the line and a very clear check and recheck process that will have paperwork the chief scrutineer can ask for and consolidate all of those returns, because that is what I will be doing. That is exactly what I will be doing: putting them on an internet site, given that there are so many to’s and fro’s and given that I do not know how many votes are being issued from overseas. I have no control over that; I can only give a report on the votes that are issued from the VEC. But the postal votes can be issued from any of the overseas locations or interstate.

**Ms CAMPBELL** — Another suggestion is that to have a reconciliation report based on voting centres and return declarations. That is another way of removing this significant doubt. One hundred and fifty votes was the result in Western Metropolitan Region, and yet there was a difference of over 400. That in my mind and in the mind of many others is a significant question.

**Mr TULLY** — All I can do is to say that those variations will not occur if there is another recount this time. What I have turned my mind to is working on all of the reconciliations that we provide in any case; how I can make those more public. That is what you are asking me to do, and I will turn my mind to that. But putting up a big matrix of 100 000 different possibilities is not going to do that trick. I have to consolidate the reconciliation process that we have in place for ourselves and publicise that.

**Ms CAMPBELL** — You might like to take on notice those questions I have given you.

**Ms WILLIAMS** — To add to that, as Mr Tully pointed out, that this time you will be able to follow individual voting centres all the way through the counting process from primary to recheck, and you will be able to see where the changes happen at an individual level right through to the count at the end. They are the enhancements to the system.

**Mr TULLY** — That is what I have to make publicly available, somehow, to satisfy your concerns. I will put my mind to that.

**Ms BROAD** — I have one last question on the matter of early voting centres as opposed to early voting on election day, but before that I wanted to note for the record that under the terms of an earlier inquiry by this committee into voter participation the majority of this committee supported action being taken to ensure that the more than 60 000 voters who actually attended voting centres and attempted to cast a vote but were not able to do so because of enrolment matters would be able to do so in the future. I simply state for the record that the majority of this committee supported action being taken in that direction.

But on the matter of early voting centres, the trend appears to be that more and more voters are taking advantage of early voting centres and avoiding issues that can arise, notwithstanding the best of preparations, on election day. Expecting that that trend is going to continue, what capacity is there for voters who are attending early voting centres outside their area to be able to vote at voting centres out of their area?

**Mr TULLY** — Each early voting centre is capable of issuing votes across Victoria. They will all have voting look-up facilities, they will all have the necessary stationery and requirements to issue votes for anywhere, so anyone going to any early voting centre will be able to vote anywhere in Victoria. I need to clearly state, though, and I note your observation of the trends, that there is still a requirement that they are unable to vote on election day. That is the requirement they have to either meet in a declaration on a postal vote or in a verbal declaration at an early voting centre. Convenience is not a reasonable reason for doing it; they have to not be able to vote on election day. I accept that people have different lives — they might be working or they are more mobile — and that does increase the trend, but I suspect also that there are other factors at play that we need to carefully monitor. No-one who goes to the VEC will be turned away without something.

I need to get the statistics, not only for me but for you, as to what is happening in our participation. You clearly have a broad interest in that, as have we. If we can track people’s details, it is a lot better than just saying to people, ‘You are not on the roll; go away’. That is not a satisfactory response, in my view. We have always offered them a voting facility, just in case we have made a mistake.

**Ms BROAD** — Thank you.

**The CHAIR** — I have a final question. My understanding is that at the last federal election provisional voters were required to provide photographic identification or ID, be it bills or the like. Touching on the issues that Mr O'Brien raised, have you had any discussion with the AEC on the impact of that sort of process on their own procedural requirements?

**Mr TULLY** — Not as yet. No doubt we will.

**The CHAIR** — I declare the hearing closed.

**Committee adjourned.**