



ELECTORAL MATTERS COMMITTEE

CHARTER

The Electoral Matters Committee is one of the twelve Joint Investigatory Committees of the Parliament of Victoria. The Committee comprises seven Members of Parliament drawn from both Houses of Parliament, across three political parties, and a secretariat of three.

The Committee recognises that an open and transparent electoral process is a keystone of democracy for Victoria, which contributes to safe and harmonious communities. The Committee also recognises that the right to vote is also confirmed in the United Nations' Universal Declaration of Human Rights [Article 21] whereby it states:

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.

The Universal Declaration of Human Rights [Article 21] also specifies that people are entitled to participate in “periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”. At the Victorian state level, the **Constitution Act 1975** expresses a person’s right to vote in Victorian state elections.

This Charter sets out the Committee’s objectives, authority, composition and tenure, roles and responsibilities and administrative reporting arrangements.

OBJECTIVE

The objective of the Committee is to provide a focal point of analysis for the Parliament for all electoral acts and State and local government elections, referenda and related events in Victoria. It is not intended to be an all encompassing forum to air minor electoral grievances.

The Committee has the scope and authority to investigate, on behalf of the Victorian Parliament, national and international electoral trends, and provide reports and recommendations to the Parliament to improve Victoria's electoral policies and processes.

All issues to be considered by the Committee must be within the realms of its functions as defined in the **Parliamentary Committees Act 2003** or terms of reference provided to it by either House of the Parliament or the Governor in Council.

AUTHORITY

The powers and responsibilities of the Committee are determined by the **Parliamentary Committees Act 2003**. The functions of the Committee, as defined by Section 9A of the Act, are:

(1) to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

(a) the conduct of parliamentary elections and referendums in Victoria;

(b) the conduct of elections of Councillors under the **Local Government Act 1989**;

(c) the administration of, or practices associated with, the **Electoral Act 2002** and any other law relating to electoral matters.

(2) Nothing in this section is intended to repeal, alter or vary section 94F or 94G of the **Constitution Act 1975**.

Matters are referred to the Committee either by resolution of the Council or the Assembly or by Order of the Governor in Council. The **Parliamentary Committees Act 2003** also enables a Joint Investigatory Committee to inquire into and report to Parliament on any annual report or other document relevant to its functions and which have been laid before either House of Parliament.

It should be noted that the Committee has no legislative power – it only has the power to report to the Parliament with a series of recommendations and it is then up to the Government to respond within six months to the report. The Parliament would then legislate accordingly.

CURRENT INQUIRY

On 1 March 2007, the Electoral Matters Committee received terms of reference from the Legislative Assembly to inquire into the Conduct of the 2006 Victorian State Election and matters related thereto and report by 30 June 2008.

The Committee sought written submissions from the public concerning the reference. The due date for submissions was Friday, 1 June 2007, however the Committee is still accepting late submissions.

COMPOSITION AND TENURE

Members

The Committee has seven members drawn in total from the Legislative Council and the Legislative Assembly. It includes representatives of the Liberal, Labor and The Nationals Parties.

The Chair of the Committee has a varied role which reflects both the Chairman's obligations under the **Parliamentary Committees Act 2003**, the Standing Orders and established practice. The Chair's role can best be described as maintaining responsibility for five areas – inquiry conduct, administration, budgets, media liaison and Committee procedure. In practice the secretariat works closely with the Chair in all five matters.

The deputy Chair shall, in the absence of the Chair, exercise all the powers and duties of the Chair. As has been common practice for an all-party Committee the deputy Chair is from the opposite political party of the Chair.

COMMITTEE MEMBERS



Mr Adem Somyurek MLC (Chair)

South Eastern Metropolitan

Australian Labor Party



Mr Michael O'Brien MP (Deputy Chair)

Member for Malvern

Liberal Party



Ms Candy Broad MLC

Northern Victoria

Australian Labor Party



Hon Christine Campbell MP

Member for Pascoe Vale

Australian Labor Party



Mr Peter Hall MLC
Eastern Victoria
The Nationals



Mr Robin Scott MP
Member for Preston
Australian Labor Party



Mr Murray Thompson MP
Member for Sandringham
Liberal Party

Further details on the Members are available at <http://www.parliament.vic.gov.au/handbook/>.

The members of the Committee are chosen by their respective parties and appointed to the Committee by each House of the Parliament. The Chair and deputy Chair are elected by the Committee at its first meeting.

The Committee is appointed for the life of the current 56th Parliament – i.e., until November 2010.

ROLES AND RESPONSIBILITIES

COMMITTEE

The Committee has the power to send for persons, papers and records. This power is derived from section 19 of the **Constitution Act 1975** which provides that the Council and the Assembly shall hold, enjoy and exercise such privileges, immunities and powers possessed by the House of Commons in 1855. This section also confers on each House the power to legislate for or with respect to the privileges, immunities and powers enjoyed and exercised by both Houses and by the Committees and the Members thereof respectively. The Act also empowers the Council and the Assembly and their Committees to administer an oath or affirmation to a witness, and provides that no action for defamation shall be maintainable for anything said in evidence.

Committee proceedings and witnesses appearing before Parliamentary Committees are covered by Parliamentary privilege and the **Parliamentary Committees Act 2003** expressly provides that the proceedings of a Joint Investigatory Committee shall not give rise to any cause of action in law or be the subject of any court proceedings.

Given that the Committee has wide powers it is cognisant of its duty to exercise its powers and responsibilities wisely.

MEMBERS

The Members are expected to understand and observe the requirements of the Committee system, particularly as it relates to the provisions of the **Parliamentary Committees Act 2003**.

Members contribute the time needed to study and understand the briefing papers provided to them by the secretariat, apply good analytical skills, objectivity and judgement to the issues placed before them, and express opinions frankly, ask questions and pursue independent lines of inquiry.

The members' collective contribution ensures the final report tabled in both Houses of Parliament represents the culmination of balanced analysis, taking into account all the submissions and evidence heard by the Committee and representing the broad political spectrum of three parties across the Victorian Parliament.

REPORTING

The Committee is required to table its report to the Parliament on its current Inquiry into the 2006 Victorian State Election, and matters related thereto, by 30 June 2008. In addition to its statutory reporting duties, the Legislative Assembly's annual report will contain in each year a short report on the Committee's operations for that financial year.

At the same time the Committee maintains an up to date webpage which details past, current and future events involving the Committee. All of the submissions received by the Committee are deemed public documents, unless resolved otherwise by the Committee and are placed on the Committee's website. Transcripts of evidence relating to the Committee's public hearings are also placed on the Committee's website.

In addition, the Committees office of the Parliament publishes a monthly Progress on Investigations and the activities, and future activities of the Committee, is added to that publication on a monthly basis.

RELATIONSHIPS WITH AND REPORTING ARRANGEMENTS WITH RELATED STATUTORY AUTHORITIES AND BODIES

Australia

The Electoral Matters Committee recognises that there are several other like minded bodies with similar authority throughout Australia, and internationally. The Commonwealth Parliament in the 41st parliament had a Joint Standing Committee on Electoral Matters which was established to inquire into and report on such matters relating to electoral laws and practices and their administration.

The NSW Parliament has two related Committees, the Electoral Matters Committee which inquires into and reports on matters relating to the administration of, and practices related to, the **Parliamentary Electorates and Elections Act 1912** (excluding Part 2) and the **Election Funding Act 1981**; and the Electoral and Political Party Funding Committee is a current select committee of the Legislative Council, established to inquire into and report on electoral and political party funding.

The Queensland Parliament has the Legal, Constitutional and Administrative Review Committee which has responsibility for electoral reform, including monitoring generally the conduct of elections under the **Electoral Act 1992** and the capacity of the Electoral Commission to conduct elections.

The New Zealand Parliament has the Justice and Electoral Committee which considers matters relating to Crown legal and drafting services, electoral matters, human rights, and justice.

Overseas

The Electoral Matters Committee recognises that there are a number of interenational groups who are committed to the study and improvement of electoral administration. In the United Kingdom, the national Electoral Commission has previously inquired into a number of issues with relevance to the committee's first inquiry into the 2006 Victorian state election, particularly electronic voting procedures and methods to extend the Westminster franchise. In the United States of America, the Congress created the Federal Electoral Commission (FEC) in 1975 to administer campaign finance arrangements. Since then the FEC has branched out to consider broader electoral administration issues, including voting technology and ensuring the quality of the national vote in federal and state congressional polls.

As the committee's work progresses through the 56th Parliament the secretariat fully expects to develop stronger institutional and information sharing ties with these like-minded bodies and with other international bodies involved in electoral administration, with an emphasis on Canada, India and Great Britain.

Victorian Electoral Commission

The Committee works closely with the Victorian Electoral Commissioner and his staff given the Committee's functions and current inquiry overlap the work of the Victorian Electoral Commission. The Electoral Commissioner is an independent officer of the Parliament but there is no legislative relationship between the Committee and the Commission, as there is with the Auditor-General (also an independent officer of the Victorian Parliament) and the Public Accounts and Estimates Committee of the Victorian Parliament. In fact the Electoral Commissioner's role is not subject to the direction or control of the relevant Minister in respect of the performance of his responsibilities and functions and the exercise of his powers.

ADMINISTRATIVE ARRANGEMENTS

Meetings

The Committee on average meets once every three weeks at either Parliament House or 55 St Andrews Place East Melbourne.

Attendance at meetings and quorums

Members are expected to attend Committee meetings on most occasions. The quorum is four members, in addition to representation from each House of the Parliament.

Secretariat

The Committee's secretariat comprises:

Mark Roberts, BBus - Executive Officer

Natalie Wray, PhD - Research Officer

Nathaniel Reader BA (Hons) - Committee Administration Officer

Whilst the Chair and members are ultimately responsible for the report and its contents, in practice the Committee secretariat undertakes much of the research and all the administrative duties relating to the operation of the Committee.

As well as being responsible to the Chair and members of the Committee, the secretariat is part of a larger Committees office, and for administrative purposes the staff are employed by the Clerk of the Legislative Assembly. They are responsible to the Assistant Clerk – Committees Legislative Assembly.

If you would like further information, please contact the Committee Secretariat on (03) 8682 2885 or by email on: emc@parliament.vic.gov.au.

Evaluation arrangements

Once the Committee report is tabled in the Parliament, the relevant minister has six months to repond to the Committee's recommendations. That reponse is then tabled in Parliament. The Committee will then review that response.

REVIEW OF CHARTER

At least once a year the Committee will review this Charter.