

ELECTORAL MATTERS COMMITTEE

Inquiry into the Conduct of the 2022 Victorian State Election

Melbourne – Thursday 10 August 2023

MEMBERS

Will Fowles – Chair

Evan Mulholland – Deputy Chair

Brad Battin

David Ettershank

Sam Hibbins

Emma Kealy

Nathan Lambert

Lee Tarlamis

Emma Vulin

WITNESSES

Martin Shield, State Director, and

Jess Wheelock, Head of Campaigns and Engagement, Australian Greens Victoria.

The DEPUTY CHAIR: I declare open the public hearings for the Electoral Matters Committee Inquiry into the Conduct of the 2022 Victorian State Election. All mobile telephones should be turned to silent.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us are gathered on here today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings.

I am Evan Mulholland, the Deputy Chair of the committee and Member for Northern Metropolitan. I might just start from the end to introduce ourselves.

Emma VULIN: Hi. I am Emma Vulin, Member for Pakenham.

Nathan LAMBERT: Nathan Lambert, the Member for Preston.

Lee TARLAMIS: Lee Tarlamis, Member for South-Eastern Metropolitan Region.

Sam HIBBINS: Sam Hibbins, Member for Prahran.

David ETTERS HANK: David Ettershank, Legalise Cannabis, Western Metro Region.

The DEPUTY CHAIR: And we have Emma Kealy, the Member for Lowan, who has I think just popped out for a coffee, but she will be joining us shortly for questions.

I welcome Martin Shield, the State Director of the Victorian Greens, and Jess Wheelock, the Head of Campaigns and Engagement for the Victorian Greens.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, including on social media, those comments may not be protected by this privilege. The committee does not require witnesses to be sworn, but questions must be answered fully, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of the Parliament and subject to penalty.

All evidence given today is being recorded by Hansard and is also being broadcast live on the Parliament's website. You will be provided with a proof version of the transcript for you to check as soon as possible. Verified transcripts, PowerPoints, presentations and handouts will be placed on the committee's website as soon as possible.

I will invite you to proceed with a brief 5-minute opening statement to the committee, which will be followed by questions.

Martin SHIELD: Thank you very much for having us. We appreciate this opportunity to address you in person. My name is Martin. I am the State Director of the Victorian Greens, and I have with me Jess Wheelock, who is our Head of Campaigns.

I will start by also acknowledging the Wurundjeri Woi Wurrung as the traditional owners of this land and recognise sovereignty. This country was never ceded, and we pay respect to elders past and present.

We thought we would start out by talking about group voting tickets, which I am sure you are hearing a lot about, and I will also hand over to Jess to talk a bit about candidate safety on polling booths. We might, if we have time in our 5 minutes, close with some comments about time lines of elections.

In relation to group voting tickets, I think there is just so much evidence before you about the problems with them. I want to talk about some of the consequences of having a system which allows that kind of

undemocratic direction of votes by political parties and takes away the process of voters actually allocating their own vote. Obviously, the idea in communist countries in the past of someone being handed their pre-filled ballot paper before they go into a polling booth has always been something that in Western democracies we thought was quite shocking, and we here have this system which says, 'You've got to choose one party who you're going to vote for and then they'll hand you the white paper envelope and you don't get any say over what happens to your vote after that.' Obviously, this undermines trust in the voting system, and I think there is a general problem of voters having an idea that their vote may go off and do something that they do not know is happening, and they do not quite understand how that is happening. That leads to an element of distrust in the voting system, even in the lower house. We get situations where in the lower house we have a voting system where no vote can be directed in a way that the voter did not direct it, but when you talk to voters about casting their vote in the lower house you often have them raising concerns that, for example, if they were to vote one for the Greens and then vote two for another party, would their vote really go to that party? Maybe there has been a secret deal done, maybe their vote will go somewhere else, so there is this level of distrust and lack of confidence in the voting system, which is a real problem and undermines people's faith not just in their upper house vote but in what happens to their vote in the lower house as well. We have got the experience of that lack of trust being manipulated by messages, where political parties might say, 'There's been a secret deal between this party and that party. If you vote for party A, then even though their how-to-vote suggests that you vote for party B next, your vote is going to go off to party C because there is a secret deal.' Voters kind of have an idea that there is some kind of problem, so they are easily able to be manipulated by those kinds of arguments, even when they are numbering their own boxes in the lower house.

I think the next issue is this question of votes being bought and sold and the possibility of using deception to win an election. We are all aware of the issues with people being paid for their services in brokering preferences. Obviously, we believe that election campaigns should be a contest of ideas and an opportunity to engage with voters about those ideas and have voters then choose how they want to vote on the basis of that contest. But actually the reality for smaller parties is that the best way to win an election campaign is not to engage with voters at all, it is to put all of your resources into that preference-brokering process, because if you can come up with the right set of preference arrangements because of that forced direction, regardless of the voter's preference of their votes, you can get yourself a seat in Parliament. So we have got a system that is just incredibly anti-democratic in that the best way to get elected is not being to engage with voters but to do backroom deals. I have probably gone too long.

Jess WHEELLOCK: Really very briefly, I also just want to speak about candidate experience. We have heard from our candidates that overall they did have quite a good experience. But the most notable exceptions that we had were candidates who come from diverse backgrounds, so our First Nations candidates, our trans candidates, the people of colour who ran for us and people with disabilities, who experienced some really concerning activities on polling booths – sometimes from other volunteers, sometimes from other candidates themselves. We also have some recommendations about addressing that so that we can continue to allow people from all backgrounds to participate in democracy and hopefully stand alongside you all in Parliament.

The DEPUTY CHAIR: Thank you, and thanks to both of you for that opening statement. I just want to touch on the behaviour part – the behaviour of I think one particular party. This is probably a bias, as I come from the Northern Metropolitan Region, but I know it was also experienced in the Western Metropolitan Region. The Victorian Socialists party, it was widely reported, came across as quite aggressive, and in a lot of cases followed people from their car or from 100 metres or 50 metres up the road all the way to polling booths and refused to sort of let up until they got to the door. Do you have any opinion on that behaviour from their volunteers, and what do you think about formalising a process or standards of behaviour?

Martin SHIELD: Taking a step back from the question of the Socialists themselves, I think that there is an issue with the right of people to participate in the electoral process on behalf of candidates and of parties, and the protection, I suppose, of that right. It is against the law to block a voter from participating in the process and to prevent or intimidate a voter from getting to the polling booth, but it is not explicitly in the *Electoral Act*, as I understand it, to prevent a volunteer from participating in the process of handing out how-to-vote cards or intimidating a volunteer. I think that that is probably a bit of a gap in the regime. I think that whether we are talking about the far right – so obviously there are issues in some seats where different candidates have tactics that involve obstructing the access of volunteers from other political parties to providing voting information to voters. It is done by the far right in other places and this intimidation of people who are participating in the process is something that should not be possible. We need some way to address it.

Jess WHEELLOCK: And I think, just to expand on that, some of the experiences that we had from our candidates and volunteers across the whole state – it certainly was not limited to the inner north and the inner west – was that it was often unclear how to escalate those things and how to get good answers quickly when you are in the heat of the moment. Having a very clear and safe and responsive structure to be able to respond when something is happening that is inappropriate, uncomfortable or aggressive is we think the best way forward and really relevant in so many different geographic areas across the state.

Martin SHIELD: I think one of the issues there again is this question of buck-passing. They are difficult situations, and so I can understand people who are going, ‘Oh, gosh, I don’t know quite what to do here. This person is telling me that that person won’t let them hand out their how-to-votes properly’, you know, it is a complicated situation. So they tend to do things like say, ‘Oh, well, if you think that something wrong’s happening here, you can call the police.’ But of course if you call the police, the police say, ‘Well, it’s an election campaign, you should talk to the VEC.’ So there is this problem with nobody having the expertise and the clear responsibility to be the appropriate place to deal with these complaints, to actually have some resources to support people who have had a difficult experience and to be able to take action, if action is appropriate.

The DEPUTY CHAIR: Voter turnout has been canvassed in a number of submissions. I understand the Greens are contesting the Warrandyte by-election; are you concerned the VEC has not actually sent out any mail pieces informing residents of the by-election, and it appears the only thing they have spent is about \$500 on Facebook advertising for 18-to-24-year-olds? A similar thing occurred in Narracan. Do you think the VEC could be doing more to inform voters of when by-elections do occur?

Jess WHEELLOCK: It is a really good question. I am not across the actions that the VEC have taken in relation to the Warrandyte by-election, but of course we fully support everyone being able to participate in democracy and having clear instructions about what is happening, when it is happening, their right and requirement to vote, and making sure that the VEC is appropriately invested in that is really fundamental, I completely agree. I certainly know that each political party and independent contesting that by-election is doing a lot of work to make sure voters are aware of what is happening, but the VEC plays a fundamental and neutral role as well.

The DEPUTY CHAIR: Yes. I just wanted to ask about group voting tickets: obviously you have a strong view on group voting tickets, which I agree with; do you have any particular preference on model? I just note that it has been noted that if you were to move to a group voting ticket model under the current system, perhaps the Greens seat share might outweigh the vote share. Do you have any particular preference on models; perhaps a single metro electorate, single regional electorate model, or a statewide model that has a greater proportion – are there any specific models you would prefer?

Martin SHIELD: I think there are two separate questions here. One is the electoral system for the upper house, and we would certainly support a review of that. I think a recommendation of the committee to conduct a review into what would be the best and most democratic way to structure our upper house would be a good outcome of this. But it is a separate question to the question of whether or not voters get to direct their vote. There is absolutely no excuse as we see it for any continuation of a situation where political parties direct the vote of a voter. In a truly democratic system, the only person who should be able to influence in any way what political party or what candidate they support should be a voter. There is absolutely no excuse; we are the last jurisdiction in the country with group voting tickets. They absolutely have to go.

Whether in the longer term an electoral system with a higher magnitude, so with more candidates being elected within each region, would be a better system I think is certainly a possibility. I think that obviously in Victoria we have a higher threshold than, for example, in the Senate, with our five-member electorates as opposed to six. I think a model, for example, with seven times seven regions, 49 people elected to the upper house, would be a good model. I do think that there should be some base threshold on the level of support that a candidate needs to be able to be elected to Parliament. One of the things that we see with group voting tickets is that it incentivises the registration of parties with cute names in order to kind of attract a vote. We see this effect of atrophy – so the larger the ballot paper gets, the harder it is for voters to find the party that they are actually interested in and the further the vote just randomly spreads out.

So once we get to the point of these big double-decker ballot papers, voters genuinely are scanning: they are looking for the party that they are interested in and they cannot really find it. If their eyes alight on the name of a party that sounds good, Bullet Train for Australia – ‘Yep, absolutely love the idea of fast trains; we should have built fast trains between Melbourne and Sydney years ago. I will give them the one’ – Bullet Train for Australia gets 2 per cent of the vote. Shoot the Ferals Party – it has got a great name. Someone is looking for the party they are really interested in, that they came into the polling booth to vote for. They open their big thing, and they are looking around and they cannot find them. Their eyes alight on that – ‘Yep, I think we should shoot all those feral animals. They’re an absolute problem. I love me guns. I want to get out there and shoot some feral animals’ – number one. The name has been registered by someone who has got no connection with a constituency. They have not argued a particular case. They have not told people what they will do if they are elected to Parliament. It is simply a cute name on a ballot paper.

So I do think there needs to be some base threshold. At the moment in Victoria you need to get 4 per cent of the vote to get electoral funding. We have got this idea that there has to be some kind of base level of support for you to participate in that. I think there needs to be some mechanism that ensures that base level of support for election. One is having, for example, a magnitude of seven to get up to that quota of one-seventh. So long as we do not have any group voting tickets, then that does require voters to have preferenced you along the way and for you to have that level of support.

The DEPUTY CHAIR: I might move on to Mr Tarlamis.

Lee TARLAMIS: Thank you for your submission and for coming along today. I just wanted to pick up again on the behaviour around polling booths. I know one of your recommendations talks about establishing a unit within the VEC to sort of deal with these sorts of situations. As part of that, there have been suggestions that you may have a designated person at each polling place that has that kind of enhanced understanding of the provisions, rules and regulations associated with that. Do you think that is something that would help?

Jess WHEELOCK: Yes. I mean, our recommendation was to have someone who has undertaken a certain amount of training. So our recommendation was specifically around anti-racism and anti-discrimination training, which would obviously be a useful part of that. But certainly someone there who understands what is happening, who has the expertise and who understands the complexity that different people have in accessing democracy, and having that person also understand the VEC requirements for what is taking place as well – who is ultimately in charge, who has some accountability or at least some ability to escalate accountability to the right person – would be absolutely beneficial, and it certainly would have made such a big difference for many of the situations that arose for us on polling booths in the last state election.

Lee TARLAMIS: Absolutely. Because we found in terms of experiences that we had that often the officials on the day are very busy dealing with the nature of what is occurring, and then trying to get the attention and raising that. But then that level of understanding differs between polling places, so I think it is having that focus. And I understand they need to stand up a lot of staff for that period of time, but having a dedicated person who has a clear understanding of these sorts of things may assist in that. But also having a situation where it is an internal process – you talk about an internal process of dealing with matters as well. I agree that is important as well, because we had a situation where advice from the Electoral Commissioner had been provided to parties, and when we conveyed that and physically showed that to officials on the day, the managers on the day, they said, ‘I don’t care about that. I’m the decision-making person here.’ But then it is really hard to go back through parties, to then go back to the commissioner to get that addressed, and there is that time lag. Do you have any suggestions about how that could work or be better?

Martin SHIELD: We do actually in a separate section here have a recommendation about clear escalation points, not just for these issues that happen in relation to candidate safety but for other things like confusion about signage. We absolutely recognise that VEC is ramping up a huge staff, and the better the training and the better the structuring of each team – I think your idea of saying, ‘Well, as part of ramping that up let’s have a dedicated person on each booth who’s got particular responsibility for that question of care and so on.’ But I think that you need to have that escalation point within the VEC to clearly be able to raise an issue – you are at a booth; the VEC staff member has made a ruling about signage, for example, that is just incorrect, and we completely understand that they make mistakes and having just learned the rules over the last couple of weeks or whatever that they do not have a full understanding. But VEC needs a clear way for us to escalate those issues and for them to then internally communicate them back, for them to be ready to go, ‘Okay, yep,

understand what's happening there', and then they call the local booth and say, 'Actually, here's how the signage rules work. The party actually is allowed to have those six signs. That's actually how things operate.' So they do that response back internally, rather than the situation you describe of having to have that ruling and then go to the person with the ruling. So you have got a volunteer in the position of needing to say, 'No, I've spoken to your boss and your boss says X,' rather than having the boss communicate that internally. We always say to our volunteers, 'Look, follow the directions of the local staff and if there's an issue let us know and we can escalate.' But at the last election in particular we found that that escalation process just was not there. It worked very well for us with the AEC at the federal election, but with the VEC we just did not have that process to quickly and simply resolve what are often small mistakes on behalf of staff, or sometimes we are wrong and the AEC can say to us, 'No, you've got that wrong, actually the local person's right,' and then we are all clear where we all stand. But yes, we need that expertise centrally held in the VEC, and then their own internal process to disseminate that information to the relevant places so that things can be fixed up quickly on the ground.

Lee TARLAMIS: Just coming back to the structure of the upper house, one of the alternatives that you propose is the seven regions of seven members. As at the moment it is eight regions of five, and each upper house region represents 11 lower house seats. As part of that, are you proposing any changes to the model for the lower house?

Martin SHIELD: I think that would have to be subject to the review. I think that changes to the lower house could well be part of that process, but I think there would be more unpacking needed to work out exactly what the best model would be. But again, I just want to re-emphasise that point that there is complexity in getting that reform done in Victoria, as we know. That is in our constitution, having the current upper house structure, and I just want to make it really clear that there is a separate question of upper house structure to the question of whether or not voters get to direct their own preferences. There is no connection between the two. We are very, very clear that regardless of the outcome of any review into the upper house, whether it recommends something that is un-subdivided or whether it has a different magnitude of regions, the first thing we need immediately in time for the next election is the abolition of group voting tickets.

The DEPUTY CHAIR: I will just move on to Mr Hibbins.

Sam HIBBINS: Thank you, Chair. I want to go to the impact of what if group voting tickets were not changed in time for the next election. One of the issues that often comes out of group voting tickets is the integrity issues – the rise of unethical behaviour. Now, the Greens are not part of the Druery preference deal, but you have referenced Druery within the Greens submission. I am just wondering if you can reflect on the impact of undertaking preference negotiations with Druery in the mix and group voting tickets and some of the integrity issues that come with group voting tickets.

Martin SHIELD: So obviously we have got the experience of negotiating over multiple election cycles now where Druery has been quite active. We have talked already about the problem of being able to effectively buy votes by paying someone to aggregate them on your behalf, but I think one of the things that people do not see is the standover tactics involved. So we are talking about a situation where you sit down and talk to someone and they are issuing threats. They are saying, 'If you don't do what I am telling you to do, then I will use my influence over these parties to make sure that your party is destroyed.' And so as we are negotiating with small parties that might share a lot of values with us, they are saying to us, 'Well, we're actually too scared to enter into any kind of agreement with you as to the distribution of preferences, because if we do that, then Druery's told us he will have us last and we won't be able to be elected.'

Can I say it is also not just about being last. So because of the way this system is aggregating lots and lots of small parcels of votes and cascading them to one another, you can get outcomes where you aggregate enough votes to someone to ensure that someone else is excluded. And so the question is having enough votes come to you early enough in the process that you stay in and you snowball ahead. So at one stage in the last process a particular party was being threatened by Druery that if they were to preference the Greens in a certain seat, in another seat where they were interested in winning, Druery would in that seat – even though he had no deal with the Socialists – put enough micro party parcels of votes behind the Socialists that the Socialists would get ahead of that party and see them excluded from the count in that seat, and then Druery would have enough votes. You know, he did not care if he got the Socialists elected – or he would have enough votes to then have the Socialists drop out and have someone else receive the parcel of votes afterwards. So there are these

standover tactics, these threats of consequences: ‘If you don’t do what I want, then I will force these other people to do things to you.’ It is blackmail in any other context. It is just outrageous behaviour. And the idea that our democracy works like this – that small parties from the left and small parties from the right are too afraid to do anything other than what they are told by someone who is aggregating votes from both in order to get people elected – is outrageous.

At the last election we were in some ways lucky that the Greens were working very hard with a small group to try, at any cost to themselves, to break up that Druery model, and it turned out there was also a small group working from the far right to break up that model. And between those two things it actually meant that we did not have as much distortion of the system at the last election as we did at the one before, where we saw multiple people being elected with less than 1 per cent of the vote.

Sam HIBBINS: Previous submitters have said, ‘Well, if you look at the results from this election, you know, it’s sort of mapped out proportionally,’ but there is absolutely no guarantee that that would happen at subsequent elections and we could not see a completely different result that is completely unproportional.

Martin SHIELD: No, that is right. Druery may go, but if the system was to stay, there is nothing to stop another person from taking up that role – and, who knows, maybe somebody even less ethical, somebody who is willing to go further and do whatever it takes. A system that incentivises that kind of behaviour is a system that is not one that we would like to have our democracy run by. It does not make any sense.

Sam HIBBINS: Can I go now to the experiences of candidates. Now, it has been raised by previous witnesses just around general behaviour at polling booths, but the Greens specifically are mentioned in relation to behaviour towards candidates. Can you give some examples of just what sort of behaviour they are experiencing? Who is it actually coming from? Is it other volunteers, is it voters or other candidates?

Jess WHEELOCK: Thanks, Sam. It has certainly been a mix of things, and we have had a few just incredibly concerning experiences at the last election and prior to that as well. We have had an instance where there was a far-right candidate who was live streaming one of our candidates at a polling booth, goading their supporters to come along and harass them, also engaging in very direct and very extreme racism, death threats, just unbelievably concerning behaviour. We have also had instances where, you know, we have had a candidate who is First Nations, who is transgender, who is on a polling booth and receiving not just direct comments from other candidates but the volunteers who were handing out for them as well, you know, physically intimidating them, getting into their space, not allowing them to socially distance and also making very direct comments about who they are as a person.

It has been really tricky in those instances where we have had to set up quite robust support structures for those candidates so that they are able to effectively participate in democracy. And the VEC staff at polling booths are often well-intentioned but are just ill-equipped to handle that level of extreme behaviour. There are a lot of other instances of verbal abuse, of yelling at candidates from volunteers mostly around decisions that the party might have made or high-profile figures in the Greens, who actually are not even involved in the election at all. But our candidates are having to field those things face to face, and there are not the support structures to make sure that they are able to handle that.

Sam HIBBINS: Okay. Thank you.

The DEPUTY CHAIR: Thanks. Mr Lambert.

Nathan LAMBERT: Thank you, Chair. And thank you, Martin and Jess, for coming in. I am going to repeat a couple of questions I have asked the other parties. Forgive me, my colleagues, on hearing this again, but I think we would certainly agree with your comments on inclusion and candidate safety and indeed the ones you have just been responding to the Member for Prahran about – I think a common experience from across the parties. Did you, within your own candidates and volunteers, without needing to be specific about it, have some difficult situations where you realised internally you had to counsel or change the behaviour of your own candidates or volunteers during the campaign?

Martin SHIELD: We actually will say to people, ‘Your safety is more important than you handing out how-to-vote cards today. If you are really upset, then go home.’ In some cases we have had the resources to

send someone out and have a support person with them, but in other cases we actually have had people just decide to go home because they were too upset and they felt unsafe.

Nathan LAMBERT: Yes, totally. But, sorry, any examples of your candidates behaving poorly.

Jess WHEELLOCK: Your question is about our candidates' behaviour.

Martin SHIELD: Ah, our candidates behaving poorly. Sorry.

Nathan LAMBERT: Or volunteers.

Jess WHEELLOCK: I may be a little biased, but I am actually not – I think we certainly had some instances where we might have had volunteers who in the heat of the moment were like, 'How do I handle this conflict that is happening?', and they were frustrated and they were trying to work through that. We do provide a lot of support and a lot of training to our candidates and our volunteers to prevent that. So we have recommended anti-racism training and anti-discrimination training, for example. It is actually a requirement of all of our candidates that they undertake that. We do training for anyone who is leading a polling booth around the conduct that they are expected to undertake when they are volunteering on the polling booth as well. It is a requirement for volunteers to be able to undertake that training. We also do anti-harassment and anti-bullying training – also a requirement for all of our lead volunteers. So we are very proactively addressing that.

I know, as I said, I am probably very biased in being unable to bring examples to mind, but I cannot think of anything beyond being in a disagreement with somebody where I can picture one of our candidates or volunteers having to be spoken to about anything. I think our volunteers are wonderful, but I think it speaks to the systems that we have in place to support people, and I suspect that having systems like that in place to support VEC staff and to support other candidates to undertake good behaviour is the best way to address things like that.

Nathan LAMBERT: Yes, totally. Thank you. You have sort of answered my next question, which is helpful. On a different topic, in rough terms how much money would you have spent on opinion polling and focus groups throughout the campaign?

Martin SHIELD: That is another very good question. So we have got very limited resources, sadly. The answer is – like, I could not tell you an exact number but very little. We did some testing of some ads, some reasonably cheap online testing, but we had very limited resources for polling or for focus group work.

Nathan LAMBERT: Would you be prepared to provide on notice how much you did spend?

Sam HIBBINS: I am not sure if that is within the terms of the reference.

Nathan LAMBERT: Well, I can go to the next question.

Martin SHIELD: I know there is another inquiry looking into electoral funding and those issues. I would certainly be willing to engage with those issues. I do not have a number in front of me on exactly what we spend on research, but I think our key submissions to that other inquiry are that there should be limits on how much political parties can spend in election campaigns and that would include on their research.

Jess WHEELLOCK: I guess the other thing, just to expand on that, is a lot of the research that we do that would be comparable to doing polling is based on our conversations with voters. Because we have such a large people-powered movement who are really invested in having conversations with voters about the issues that are of interest to them, that is really the engine of our data – the conversations with voters.

Nathan LAMBERT: Yes, totally. I am aware of that being a question in other contexts, but I think whether we get to – expenditure caps is something that affects campaigns. They are talked about. If we do get to expenditure caps, there is going to be a question of the public having a better understanding of what that expenditure is. Are the Greens in favour of expenditure caps on individual seat spending?

Martin SHIELD: Yes, absolutely. I think both overall expenditure caps and seat-by-seat caps would be a really good reform.

Nathan LAMBERT: Have I got time, Chair? I am happy to come back at the end if that helps.

The DEPUTY CHAIR: Yes, we might come back at the end. I will go to Mr Ettershank.

David ETTERS HANK: Thank you, Chair. I love the analogy about the Soviet sort of dictatorship and GVT. I think we have had lots of colourful submissions on group voting, and that is at the more colourful end. You sort of alluded to the fact that in the pre-election negotiations there were clearly different caucuses, and the Greens obviously participated in the progressive vote swapping and preference agreements. I am wondering how you reconcile those two things.

Martin SHIELD: Is it reconcile our opposition to the system with our participation in it?

David ETTERS HANK: Yes, and reconcile that with the sort of Soviet imagery.

Martin SHIELD: Okay, yes. I mean, we often get these questions in election campaigns: how come the Greens drive around in cars to put up your corflutes when you do not think that there should be carbon emissions? How come you fly off to Canberra? Because that is destroying the planet. We have a current electoral system, and as a political party we have to participate on the terms of that system. The system means that if nobody is to direct any preferences to us, we in many cases cannot get elected because the intention of voters is not reflected in the preferences. So what we did at this particular election was work really hard to talk to parties that shared our progressive values and to try to negotiate with them to have actually folks distribute preferences in ways that would reflect the will of their actual voters rather than in ways that Glenn Druery might have been encouraging. So we did put significant effort into that in this particular election cycle, and I think we were quite successful and played a critical role in the election of a number of progressive people to the upper house.

David ETTERS HANK: And was that sort of representation as a result of that? I mean, would it be fair to say that you got roughly 10 per cent of the votes and 10 per cent of the seats?

Martin SHIELD: I think that in this particular case roughly proportional outcomes probably were achieved, but I think the problem we have is that this is the first time in recent history that that has happened. Obviously in 2018 we had 10 per cent of the vote and 1/40th of the seats, so a voting system that allows a perverse outcome and that allows a voter's vote to be directed in a way that they did not intend is not a good system. The resources and effort that we put into putting together that progressive bloc and convincing all of those progressive micro-parties to come on board is effort that actually we should have all been putting into talking to voters about our policies and about the issues that affect them and actually seeking their support for the things and the change that we actually want to see in Victoria. It should be voters who decide who they elect, nobody else – absolutely nobody else.

David ETTERS HANK: Okay. I think we all agree there needs to be reform. I am just trying to understand your maths and your logic. Let us change the subject. I just wanted to find out whether you had a position on the question of truth in advertising and whether there should be some changes in that regard. I know you have not addressed that in your submission directly, but do the Greens have a position on that?

Martin SHIELD: Yes, we do believe that there should be truth in advertising. Do you have any –

Jess WHEELLOCK: I absolutely believe there should be truth in advertising. I am very supportive of that. I know that there has certainly been some progression in this space from some of the major digital players, places like Meta, and Google certainly have advanced a long way in how they think about truth in political advertising, and we have found their resources to be very helpful in ensuring that it was more difficult to prosecute things that were harmful, hurtful or that were just blatant lies. I do not have details in front of me. I certainly do not have specific recommendations, but the VEC and AEC continuing to improve in that space and legislation in that space continuing to improve I think are very, very fundamentally important.

David ETTERS HANK: Should there be a legislative component behind that?

Jess WHEELLOCK: Yes.

Martin SHIELD: Yes.

David ETTERSHANK: Have you got thoughts on what that might look like?

Martin SHIELD: It is not something that we have come prepared today to talk about but something that we would certainly be happy to if the committee wanted us to come back with that.

David ETTERSHANK: Through the Chair, I would be very interested to see that – and that finishes my questions.

Martin SHIELD: Yes. We can take that on notice.

The DEPUTY CHAIR: Is that all from Mr Ettershank?

David ETTERSHANK: I am done, thank you.

The DEPUTY CHAIR: Ms Kealy, do you have any questions?

Emma KEALY: I will just keep it brief. Thank you, Chair. Other parties have put forward in their submissions around inconsistencies in the approach of VEC and decision-making, particularly around how-to-vote cards and other matters in running an election process. Have you got any experiences of that from the point of view of the Victorian Greens in terms of inconsistencies in decision-making or some of those delays or blocks in terms of the VEC undertaking and administering an election?

Martin SHIELD: Certainly we have got concerns about time lines. In our experience the commission as a whole has been quite consistent in the way that they apply the rules and we think fair, but certainly there are some frustrating processes, and obviously we have experienced delays in, for example, getting a how-to-vote registered because there is a rule about the size of the logo or somebody took issue with the font of an authorisation or something like that, but I think that the key submission that we would have on this is that the time lines are unreasonable. There needs to be more time between the close of nominations and the opening of early voting. Having a week in between those events would allow time for the registration of how to votes and would mean that if there is a delay because of a technical error on a how-to-vote and it needs to be resubmitted and it takes another 24 hours to approve it – so you know, you have chewed up a couple of days – you have still got time at the end of the week to do some printing.

I would also comment on so many voters voting early and the requirement for registration of how-to-votes only applying to election day. I actually think that that is something that should be addressed, and I know we did not put that in our written submission, but I think that there needs to be more time allowed in that time line between the close of nominations and the opening of early voting. Given so much of the population is voting early, if the registration of how-to-votes is a valuable process to ensure that voters are not being deceived, then it should apply to all polling places, including early voting. I would also say the question of –

Emma KEALY: Sorry, just to close that section up before you finish: do you think it adds any value to have to register how-to-vote cards, given that it is not required in all elections and it is not required during pre-poll?

Martin SHIELD: Again, I probably have not thought this through beforehand but I think that it does. We have had experiences over the years before the registration of how-to-votes came into effect where fake Greens how-to-vote cards would be handed out on polling places. You would have somebody there handing out a green ballot paper that purported to be from our political party but which was not authorised by us – it had a little authorisation line on the bottom from some guy who lives in a house down the street, which was just a fake by another organisation who wanted to divert votes in a different direction, so we do think that there is value in that process.

Emma KEALY: Just in regard to the VEC's role, which is administering elections but then also responsibility for the conduct of an election, we heard earlier evidence today that we have got a by-election in the seat of Warrandyte and the VEC still has not contacted electors in that seat to advise them that there is going to be an election soon. Meanwhile, the VEC have had time to put tweets out which are about cat memes. Do you think the VEC have their priorities in the right place and are fulfilling the roles outlined in the *Electoral Act*?

Martin SHIELD: I think they are probably separate questions. I think that proper notice to voters of elections is obviously something that should be resourced and that the VEC should be doing. All voters in the

seat of Warrandyte, I would have thought, should receive a notice saying that there is going to be an election. I think that is entirely appropriate, and I think that that should be happening. I think that, separately, the work that the VEC does on their social media is probably also important work. I do not know about the cat memes you are referring to, but I know that during the last election campaign they did some work on trying to debunk false claims about our electoral system and things like that, so the work of their social media team I think is important. But I absolutely agree that voters should be given appropriate notice, and I am sorry to hear – and I was not aware – that that has not been happening in Warrandyte.

Emma KEALY: Just to expand on your comments about Druery, which have been really insightful – thank you very much – from what we have seen through the media, we have learned that part of the deal that Druery does is to then go on the payroll, on taxpayer dollar, for a period of time with people who are elected. This is what is alleged to happen as part of that sort of deal of vote whispering. Do you have a view around that element of engaging in the vote-sharing process, if it is allowed in Victoria, whether there should be any additional regulation around taxpayer dollars used to fund the payment of that sort of activity?

Martin SHIELD: I think that it is pretty clearly corruption. To say ‘I will organise a block of votes for you in exchange for you giving me a job’ I would have thought would be clear to all of us is utterly unethical and should not be allowed. Exactly how it should be regulated or policed, I am afraid I have not thought about solutions.

Emma KEALY: But you would agree that we need to do better in that space in terms of closing the loophole.

Martin SHIELD: Can I say: I think one of the problems that we have here is that there are all sorts of ways that we could put bandaids on the group voting system, but what it does is encourage corrupt conduct, what it does is reward deception and what it does is reward people spending their time in backroom negotiations handing over – who knows – paper bags full of money. Anything could be happening. It incentivises a set of behaviours that is not democratic. We do not need to work out how to put the bandaids on this system, let us get rid of it. The best way to stop Druery being able to say, ‘I’ll give you a parcel of votes if you give me \$5000 worth of taxpayer employment’ is to abolish the group voting ticket system and let voters determine where their votes go.

The DEPUTY CHAIR: I am just conscious of time. Thanks, Emma. I will go to Emma.

Emma KEALY: Yes, I was just going to say the Nationals and the Greens are on a joint ticket on that.

Martin SHIELD: Great. Thank you.

Emma VULIN: I will not ask any questions.

The DEPUTY CHAIR: There being no other questions, thank you both so much for appearing before the committee today. This session is closed.

Witnesses withdrew.