



Electoral Matters  
Committee

# The 2025 Prahran and Werribee by-elections

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**Inquiry**

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# Committee membership



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# About the Committee

## Functions

The Electoral Matters Committee is constituted under section 9A of the *Parliamentary Committees Act 2003*.

The committee's functions are 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 2020*
- c. the administration of, or practices associated with, the *Electoral Act 2002* and any other law relating to electoral matters.

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# Contents

## Preliminaries

Committee membership	ii
About the Committee	iii
Terms of reference	vii
Chair’s foreword	ix
Executive summary	xi
Findings and recommendations	xiii
<b>1 Introduction</b>	<b>1</b>
1.1 The 2025 Prahran and Werribee by-elections	1
1.2 Overall assessment	2
1.3 Progress towards the next election	2
1.3.1 Legislative changes	3
1.3.2 VEC training	4
1.4 Structure of this report	5
<b>2 Timelines and participation</b>	<b>7</b>
2.1 Introduction	7
2.2 Timelines	7
2.3 Participation indicators	10
2.3.1 Causes of the low turnout at the Prahran by-election	11
2.3.2 Responding to the low turnout at the Prahran by-election	16
2.4 Different ways to cast a vote	20
2.4.1 Postal voting	21
2.4.2 Ballot paper shortages	22
<b>3 New approaches trialled by the Victorian Electoral Commission</b>	<b>23</b>
3.1 Introduction	23
3.2 Low-sensory voting	23
3.3 Altered early voting period and hours	26
3.4 Campaigner registration trial	29
3.5 Electronic roll mark-off	35

<b>4</b>	<b>The Victorian Electoral Commission’s delivery of the by-elections</b>	<b>37</b>
4.1	Introduction	37
4.2	Communicating with candidates and parties	37
4.3	Venue choices for early and election-day voting centres	40
4.3.1	Accessibility issues	40
4.3.2	Specific incidents	42
4.3.3	No facilities for campaigners	44
4.3.4	Improving venue selection in the future	46
4.4	Impartiality of staff at voting centres	47
4.4.1	A staff member encouraging people to vote for the Liberal Party	47
4.4.2	Negative comments about the Liberal Party’s signage	48
4.4.3	Improving training to reinforce the need for impartiality	49
4.5	Ballot scrutiny, counting and results	50
4.5.1	Delays in counting and scrutineers locked out in Werribee District	51
4.5.2	Other problems with vote counting	53
<b>5</b>	<b>Managing the behaviour of campaigners</b>	<b>57</b>
5.1	Introduction	57
5.2	Campaigners’ behaviour outside voting centres	58
5.3	Managing problems at voting centres and escalation points	61
5.3.1	Voting centre staff training and escalation processes	61
5.3.2	Inaction, slow action and ineffective action by voting centre staff	63
	<b>Appendix</b>	
A	About the Inquiry	65
	<b>Extracts of proceedings</b>	<b>67</b>

# Terms of reference

## **Inquiry into the 2025 Prahran and Werribee by-elections**

On 20 February 2025, the Legislative Assembly agreed to the following motion:

That this House refers an inquiry into the conduct of the 2025 by-elections for the Districts of Prahran and Werribee to the Electoral Matters Committee for consideration and report no later than 8 December 2025 and the Committee should examine:

1. the conduct of, and processes implemented by, the Victorian Electoral Commission and its officials; and
2. voter turnout.



# Chair's foreword

I am pleased to present this report on the Inquiry into the 2025 Prahran and Werribee by-elections. By-elections are a crucial part of our democracy, and it is important to ensure they are conducted correctly, following the principles of electoral integrity and transparency. By-elections also provide an opportunity to test our electoral processes between general elections, showing us what is working well and what could be improved. For both of these reasons, this Inquiry has been valuable.

The Committee's overall assessment of the by-elections is positive and we found no reason to doubt the results. However, as with any election, the Inquiry identified areas where improvement is needed—some familiar, some new.

With a general election now less than 12 months away, this information is timely. I strongly encourage the Victorian Electoral Commission (VEC) to take note of these findings and incorporate them into its planning processes.

One issue that stands out is the low turnout rate in Prahran District, which was the lowest of any recent by-election. That was a particular concern for the Parliament when it referred this Inquiry to the Committee. There is no clear answer as to what caused the low turnout, but a variety of factors have been suggested. Several recommendations in this report are designed to address these factors with the hope that such low turnouts are not repeated. These recommendations include changes to the timeline for by-elections, improved communication from the VEC and efforts to ensure that electoral rolls are up to date.

When referring this Inquiry, several Members of Parliament were also concerned about irregularities in the vote-counting process. Problems with training appear to have been a major factor leading to these issues. The Committee has raised concerns about the VEC's training programs repeatedly over a number of years. The VEC has recently taken some action to review its training materials and processes and is incorporating the findings into its program for the 2026 election. The findings of this Inquiry provide some further points for the VEC to consider. I encourage the VEC to take this matter seriously and to treat it with the importance it deserves.

There were several other issues which appeared in these by-elections which have been identified in earlier elections, including poor campaigner behaviour, problems with communication and inappropriate venues being used as voting centres. The Committee has previously made recommendations on these topics, including a number requiring legislative change. I urge the Parliament to act on these recommendations quickly, to ensure a better, fairer and more inclusive process at the 2026 election.

In addition, the VEC conducted several trials at these by-elections, relating to low-sensory voting, an altered early-voting period and campaigner registration. Continuous improvement in election delivery is essential and trials like these are an important part of that. Valuable lessons have come from all three trials. In particular,

there were multiple problems with the campaigner registration trial which would need to be addressed before it is rolled out again. Overall, though, the Committee found that a campaigner registration system is something that should come from the Parliament through legislation rather than through VEC policy.

In summary, this report highlights both successes and areas for improvement. I urge the VEC and the Parliament to act on the Committee's recommendations in time for the 2026 election.

I would like to thank everyone who contributed to this Inquiry. Committee inquiries rely on stakeholders to share their experiences, ideas and views. The time and effort that submitters and witnesses put into this Inquiry are very much appreciated. I particularly acknowledge the significant volume of work undertaken by the VEC to provide this Committee with the information it needed. The Committee's secretariat also plays a critical role in making inquiries work and I sincerely thank the members of the secretariat for their hard work, as well as the many other staff at Parliament who supported this Inquiry. Finally, I would like to thank my fellow Committee members for their collaborative approach and the work they have put into investigating these matters.

A handwritten signature in black ink, appearing to read 'Dylan Wight', written in a cursive style.

**Dylan Wight MP**  
**Chair**

# Executive summary

The resignation of two members of the Victorian Lower House in late 2024 triggered by-elections for the Prahran and Werribee Districts. Both by-elections were held on 8 February 2025.

During and after the election period, key stakeholders raised a number of concerns about the conduct of the by-elections. These issues were also reported in the media. This Committee was subsequently asked to investigate these by-elections.

The Committee's overall assessment of the delivery of the by-elections is positive. The Committee believes that the by-elections were generally conducted fairly and democratically. All legislated requirements were met, and the Committee was not presented with any evidence suggesting that the results were incorrect. However, there were some areas where problems occurred and where improvements need to be made for the upcoming 2026 general election.

This report includes recommendations addressed to the Government and the Victorian Electoral Commission (VEC) to make changes and facilitate the improvements identified in critical areas.

The legislative amendments recommended by this Committee include changes to election timelines (to facilitate voter engagement and to allow more time for candidates and parties to prepare for the elections) and establishing a legislated framework for campaigner registration at voting centres. Moreover, the Committee reiterates the need for various measures to manage poor behaviour by campaigners at voting centres, including a legally enforceable code of conduct or rules limiting how campaigners can interact with voters, and more powers for the VEC to manage poor behaviour.

The Committee has also identified critical areas that need urgent improvement in relation to the VEC's delivery of elections. Training materials and processes need urgent revision to address problems identified during this Inquiry. Key issues include the importance of staff behaving impartially at voting centres, the implementation of correct procedures at the close of voting and during vote counting (including the management of scrutineers) and the enforcement of the rules relating to what campaigners are permitted to do at voting centres.

The Committee notes that issues with training materials were raised in past reports, and the VEC has worked to make some improvements. However, it appears that more work needs to be done in this area. The Committee therefore urges the VEC to continue reviewing and refining its training materials and processes in preparation for the 2026 election.

The Committee has identified several other potential improvements to how the VEC delivers elections. Changes to the VEC's communications products both to the public and to parties/candidates are suggested. The declaration envelope for postal votes, which has caused problems for voters previously, has been redesigned but continues to cause problems. This suggests that further work is needed. Changes to hiring processes may help to ensure impartial staff in the future. The Committee also calls on the VEC to ensure that there are clear escalation processes at future elections for resolving disagreements between campaigners and voting centre staff.

# Findings and recommendations

## 1 Introduction

**FINDING 1:** The 2025 Prahran and Werribee by-elections were conducted fairly and democratically. However, there are a number of recurring issues that need to be addressed to improve the quality of election delivery in Victoria.

2

**FINDING 2:** Multiple problems with the VEC's training materials and programs have been identified in previous inquiries. Several problems have also been identified as part of this Inquiry. The VEC has indicated that it is improving its materials for the 2026 state election.

5

## 2 Timelines and participation

**FINDING 3:** The timelines for by-elections are set by the Speaker of the Legislative Assembly. However, the Electoral Act provides the Speaker with only a limited amount of flexibility in setting the timelines. As a result, key periods of the Prahran by-election coincided with the Christmas–New Year period and January. This made it harder for candidates to campaign, may have led to a less accurate electoral roll, may have reduced voter turnout, created difficulties for electoral commission staff and put strain on external suppliers.

9

**FINDING 4:** The length of time between the close of nominations and the opening of voting for the Werribee by-election was only four days (including the Australia Day long weekend). This made it impractical to have how-to-vote cards ready and registered in time for mobile voting.

10

**RECOMMENDATION 1:** That the Government introduce legislation amending section 63 of the Electoral Act to allow the Speaker to appoint the day for the close of rolls to be up to 35 days after the issue of the writ and the final nomination day to be up to 56 days after the issue of the writ (for by-elections).

10

**FINDING 5:** The turnout rate and informality rate for the Werribee by-election were close to the average for by-elections.

11

**FINDING 6:** The turnout rate and informality rate for the Prahran by-election were both the lowest of any recent by-election. While the low informality rate is positive, the low turnout rate was a cause of concern for several stakeholders. **11**

**FINDING 7:** Multiple hypotheses have been put forward to explain the low turnout at the Prahran by-election, including the timing of the by-election, inadequacies in the communications campaign, the district’s demographics and the fact that one of the major parties was not running a candidate. **16**

**FINDING 8:** Multiple stakeholders called for the VEC to send electors information by post to let them know about by-elections. The VEC indicated that it will do this for future elections and by-elections. Several areas for improvement in the VEC’s communications materials were also suggested. **17**

**RECOMMENDATION 2:** That the Victorian Electoral Commission review the evidence provided to this Inquiry and make changes to its public communications products, as necessary, to better inform electors. **17**

**FINDING 9:** Out-of-date details on the electoral roll may have contributed to the low turnout at the Prahran by-election. Better timing for the close of rolls and more automatic updates would help to provide a more accurate roll. **18**

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore new organisations to receive data from as part of its automatic enrolment program, including the State Revenue Office and the Residential Tenancy Bond Authority. **18**

**FINDING 10:** The Committee was told of people who were not on the electoral roll being turned away from voting centres rather than given provisional votes. **19**

**RECOMMENDATION 4:** That the Victorian Electoral Commission investigate claims about eligible electors not being offered provisional votes, and review its training materials to ensure that they contain clear and accurate information about provisional voting. **19**

**FINDING 11:** Approximately 16.0% of postal votes that were returned on time at the 2022 state election were not counted, mostly due to voters not filling out the verification question on the envelope. The VEC has redesigned the envelope since the election and the by-elections saw lower rates of postal votes being rejected (9.6% in Prahran and 10.6% in Werribee). While this improvement is welcome, these rates remain problematic.

22

**RECOMMENDATION 5:** That the VEC urgently identify the causes of voters incorrectly filling out the declaration envelopes for postal votes, especially the verification question, and redesign the envelope to address the problems before the 2026 state election.

22

**FINDING 12:** The VEC provided enough ballot papers to each voting centre to ensure that no voting centres ran out of ballot papers during the 2025 by-elections.

22

### 3 New approaches trialled by the Victorian Electoral Commission

**FINDING 13:** At the 2025 by-elections, the VEC trialled low-sensory voting by providing dedicated voting centres designed for people who may benefit from a quieter, less stimulating voting place experience. This may include autistic and neurodivergent people, and people with intellectual and developmental or learning disabilities. The VEC is exploring options to roll this out more generally at the 2026 general election. As part of this, the VEC should ensure that it is exploring all practical avenues for promoting this voting option.

26

**FINDING 14:** The VEC provided a ten-day early voting period during the Prahran and Werribee by-elections, with an additional day before that for mobile voting. This is a reduction from the twelve-day period offered at the 2022 general election, but is longer than the Committee's previous recommendation of a seven-day early voting period. Some stakeholders found the ten-day period excessive and struggled to produce how-to-vote cards in Werribee, where there was only four days between the close of nominations and the opening of voting.

29

**RECOMMENDATION 6:** That the Government introduce legislation amending the Electoral Act to reduce the early voting period to 7 days and the period for mobile voting to 9 days before election day.

29

**FINDING 15:** Early voting centres were open on more evenings of the early voting period at the 2025 by-elections than at the 2022 general election. The VEC considers that this was helpful to voters while providing efficiencies for the VEC.

29

**FINDING 16:** The VEC conducted a trial of a campaigner registration system at the by-elections, which asked all campaigners at voting centres to record their details on paper forms with the VEC. Although the Committee previously recommended campaigner registration, the trial conducted by the VEC was different to the Committee's recommendation in several ways and, in part, had a different intent. In particular, the VEC collected information about the party, candidate or group that each person was campaigning for, despite the Committee specifically recommending against that.

34

**FINDING 17:** The VEC's campaigner registration trial received mixed reviews from political parties due to the way it was implemented, concerns about the collection of personal data and data privacy issues.

34

**RECOMMENDATION 7:** That the Government introduce legislation to establish a legal framework for campaigner registration at voting centres, as previously recommended by the Committee in its report on the 2022 Victorian state election.

35

**FINDING 18:** The implementation of electronic roll mark-off at the by-elections helped the work of VEC staff at voting centres, allowing real-time visibility of ballot paper consumption to reduce the risk of ballot paper shortages and providing an additional safeguard against accidental or intentional multiple voting.

36

## 4 The Victorian Electoral Commission's delivery of the by-elections

**FINDING 19:** Political parties indicated that they struggled to receive timely and detailed responses to queries from the VEC. In some cases, the Committee was told that generic responses were offered that did not provide clarification on specific matters. Inconsistent information was circulated to parties and candidates regarding the campaigner registration trial. The VEC has indicated that it is working on these issues.

39

**RECOMMENDATION 8:** That, in reviewing its communication products and processes, the Victorian Electoral Commission consider the evidence presented to this Committee regarding problems experienced by candidates and parties.

40

**FINDING 20:** A number of voting centres had limited accessibility for voters, including limited parking, narrow footpaths and inadequate facilities for wheelchair users. Moreover, the locations of some voting centres led to risks for the safety of campaigners and voters outside them.

46

**FINDING 21:** Some voting centres did not provide basic facilities for campaigners, including toilets, water and shelter to protect them from weather conditions.

46

**FINDING 22:** Because of the difficulties in securing suitable venues, the VEC has proposed changes allowing it to compulsorily use publicly funded buildings (such as certain council facilities) as early voting centres, which may help with finding more suitable venues at future elections. The Committee supports this for general elections, where arrangements can be made years in advance, but considers that there may be issues with allowing the VEC to compulsorily access publicly funded buildings for by-elections, which have much shorter timelines.

47

**FINDING 23:** The behaviour of some voting centre staff at the 2025 by-elections did not match the expected standards of impartiality and integrity. This behaviour included inappropriate comments about party signage and actively encouraging people to vote for a particular party. The VEC has committed to making changes to its hiring processes and training materials to reduce the risk of such incidents at future elections.

50

**RECOMMENDATION 9:** That the VEC consider ways to strengthen its vetting processes with respect to the hiring of election staff, to reduce the risk to impartiality in the future.

50

**FINDING 24:** A number of mistakes were made by VEC staff in managing the counting of votes in several voting centres in Werribee District. These mistakes included delays in the start of counting, with scrutineers locked out of voting centres and not having sight of the ballot boxes at times. The mismanagement of scrutineers at voting centres was due to a lack of accurate training. There were also claims that vote counting processes were disorganised and did not follow correct procedures.

55

**RECOMMENDATION 10:** That, in reviewing its training materials, the Victorian Electoral Commission consider the evidence presented to this Committee regarding processes and problems experienced by scrutineers.

55

## 5 Managing the behaviour of campaigners

**FINDING 25:** Poor behaviour by campaigners towards other campaigners and voters at voting centres was an issue at the 2022 election and was also observed during the 2025 by-elections. This represents a matter of concern for candidates, political parties and voters.

60

**RECOMMENDATION 11:** That, if the Government decides not to introduce legislation for a legally enforceable code of conduct for campaigners, it consider legislation providing limitations on how campaigners may interact with voters outside voting centres.

60

**FINDING 26:** Stakeholders told the Committee that they had experienced problems with VEC staff at voting centres, including a lack of knowledge of the rules and inadequate escalation processes.

62

**RECOMMENDATION 12:** That the Victorian Electoral Commission continue to work on its training products to improve voting centre staff's knowledge of electoral rules and to establish clear escalation processes for parties and campaigners for when there are disagreements with voting centre staff.

62

**FINDING 27:** Parties and candidates expressed concern about voting centre staff being slow to take action addressing problems outside voting centres, not taking action or taking ineffective action. The VEC noted that it has limited powers to address behaviour outside voting centres.

64

# Chapter 1

## Introduction

### 1.1 The 2025 Prahran and Werribee by-elections

The resignation of the members for Prahran and Werribee in November and December 2024 triggered by-elections in these two electoral districts. The by-elections were held on 8 February 2025.

In March 2025, the Victorian Parliament asked its Electoral Matters Committee to conduct an inquiry into the by-elections. This followed a number of concerns being raised in the media and elsewhere about the conduct of the by-elections.<sup>1</sup>

This Inquiry will help the Parliament to understand what happened during the by-elections and to identify areas of improvement for the upcoming 2026 general elections to ensure the integrity of Victoria's electoral system.

This report presents the Committee's findings and recommendations on how to improve the delivery of the elections in Victoria based on the evidence collected during this Inquiry.

In conducting the Inquiry, the Committee invited parties, candidates and members of the public to contribute their views and share their experiences of the by-elections. The Committee:

- received written submissions from 9 candidates, political parties and members of the public
- held one day of public hearings with 11 witnesses
- sought specific information from the Victorian Electoral Commission (VEC)
- conducted its own research, analysing electoral data and media articles.

The Committee gratefully acknowledges the time and effort that people put into preparing written submissions and speaking with the Committee at public hearings. The information and ideas that people shared have been critical for the Committee in undertaking this Inquiry. The Committee extends sincere thanks to all participants.

More details about the inquiry process are set out in Appendix A of this report.

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1 Chip Le Grand and Rachel Eddie, 'Werribee voters face long wait for byelection result in cliffhanger count', *The Age*, 9 February 2025, <<https://www.theage.com.au/politics/victoria/werribee-voters-face-long-wait-for-byelection-result-in-cliffhanger-count-20250209-p5laq1.html>> accessed 31 October 2025; Chip Le Grand, 'Push for review into shambolic Werribee byelection count', *The Sydney Morning Herald*, 9 February 2025, <<https://www.smh.com.au/politics/victoria/push-for-review-into-shambolic-werribee-byelection-count-20250209-p5lapb.html>> accessed 31 October 2025.

## 1.2 Overall assessment

The Committee believes that the 2025 by-elections in Prahran and Werribee were generally conducted fairly and democratically. All legislated requirements were met, and the Committee was not presented with any evidence suggesting that the results were incorrect. However, there were some areas where problems occurred and where improvements need to be made for the upcoming 2026 general elections.

The Committee notes that most of the problems identified during the by-elections are recurring issues, already raised and discussed in the report on the 2022 general election. The Committee made 98 recommendations in its inquiry on that election, which were designed to address these concerns. However, many of these have not been implemented.

The recurring issues include a need for improvements in:

- how poor behaviour by campaigners at voting centres is managed
- the training of VEC staff
- the communication of key information to stakeholders
- the choice of venues for voting centres, especially early voting centres.

The recommendations in this report seek to address these issues and other concerns identified during the by-elections.

**FINDING 1:** The 2025 Prahran and Werribee by-elections were conducted fairly and democratically. However, there are a number of recurring issues that need to be addressed to improve the quality of election delivery in Victoria.

## 1.3 Progress towards the next election

This Inquiry has given the Committee an opportunity to see what progress has been made on issues previously identified by the Committee. While some issues have been addressed, a number of matters still need attention, and further work is needed before the 2026 state election.

The Committee has identified two areas of major concern:

- the lack of action to introduce legislative changes
- the recurring issues caused by limitations in the VEC's training.

The Prahran and Werribee by-elections were also an opportunity for the VEC to test some new approaches in preparation for the next general election. The VEC trialled three new programs in 2025, which are discussed in Chapter 3 of this report.

### 1.3.1 Legislative changes

The Committee was disappointed with the Government's response to its recommendations from the 2022 election inquiry. The Government responded to 36 recommendations, most of which involved amending the Electoral Act. The Government gave a clear commitment to three of the 36 recommendations. Regarding the other 33 recommendations, the Government either indicated that further consideration was required, or the recommendation was 'supported in principle' with a comment that the Government will consult with various stakeholders. The Government's response was provided six months after the Committee's report was tabled. It is not clear why the Government was unable to do any of the required consideration or consultation in that time period.

Subsequently, none of the recommended legislative changes have been introduced into the Parliament. Several of the issues that those changes would address have occurred again at the by-elections. The Committee would like to see these changes implemented before the 2026 general election so that these same problems do not occur again.

If the Government is not going to introduce the legislation, it would be helpful for the VEC to be informed, so that it can pursue other options to address the problems.

The Committee is therefore calling on the Government to complete any consideration and consultation processes that have not yet been completed as quickly as possible and to introduce legislation where appropriate. In particular, this report has highlighted the need for the following recommendations for legislative reforms:

- enabling a larger campaigner exclusion zone for low-sensory voting (see Section 3.2 of this report)
- changes to the election timeline (see Section 3.3)
- establishing a legislated framework for campaigner registration at voting centres (see Section 3.4)
- providing for compulsory access to publicly funded buildings as early voting centres for general elections (see Section 4.3)
- various measures to manage poor behaviour by campaigners at voting centres, including a legally enforceable code of conduct or rules limiting how campaigners can interact with voters, and more powers for the VEC to manage poor behaviour (see Chapter 5).

With regards to legislative changes, the Committee notes the VEC's advice that:

Given the need for certainty when training staff, we note that any legislative changes must be flagged in time for the VEC's election rehearsal planned for February 2026. This is necessary for changes to be accurately captured in training products and procedures, and properly deployed across the VEC workforce.<sup>2</sup>

<sup>2</sup> Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 10.

### 1.3.2 VEC training

Another recurring matter of concern is the inadequacy of the training provided to the VEC staff. As the Liberal Party noted:

the need to ensure trust in the democratic process is paramount to the functioning and purpose of the VEC. Incompetence, even benign in nature, erodes that trust.<sup>3</sup>

This Inquiry identified several potential areas for improvement to training materials and processes, including:

- the importance of staff behaving impartially at voting centres (see Section 4.4.3)
- correct procedures at the close of voting and during vote counting, including the management of scrutineers (see Section 4.5)
- rules relating to what campaigners are permitted to do at voting centres, including signage rules (see Section 5.3.1).

Some evidence received by the Committee suggested that there may also be problems with the training relating to provisional voting (see Section 2.3.2).

In its report on the 2022 general election, the Committee found that there was a need for improved training in multiple areas, including several of the areas where problems were also experienced in the 2025 by-elections. The Committee also noted that problems with training had been an ongoing issue for multiple elections. The Committee therefore recommended that an independent expert be brought in to evaluate the effectiveness of the VEC's training.<sup>4</sup>

The VEC supported this recommendation.<sup>5</sup> During this Inquiry, the VEC told the Committee:

Earlier this year an independent audit was completed on our election manager training for the 2024 local government elections, examining not only the content but also the delivery and structure of the training program. We are now considering the recommendations from this audit to further progress this approach for future events, including incorporating these findings into training materials for all levels of election roles.<sup>6</sup>

The VEC also identified specific areas where it is looking to make improvements, which are discussed in the relevant sections of this report.

Training has always been a challenge for the VEC, given the large temporary workforce required for elections. The Electoral Commissioner also noted that training

<sup>3</sup> Liberal Party of Australia-Victorian Division, *Submission 5*, p. 11.

<sup>4</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 25–7.

<sup>5</sup> Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 10.

<sup>6</sup> Victorian Electoral Commission, *Submission 3*, p. 26 (see also p. 63).

is becoming an increasing challenge for the VEC: ‘ensuring that the election workforce is adequately trained and supported is getting harder as the climate of scrutiny, scepticism and even conspiratorial thinking evolves.’<sup>7</sup>

The Committee understands the challenges faced by the VEC. However, accurate training is essential for the successful delivery of elections and is a problem that must be addressed. As part of its processes developing new training materials for the 2026 election, the Committee encourages the VEC to pay attention to all of the problem areas identified in this report, along with the areas previously identified.

**FINDING 2:** Multiple problems with the VEC’s training materials and programs have been identified in previous inquiries. Several problems have also been identified as part of this Inquiry. The VEC has indicated that it is improving its materials for the 2026 state election.

## 1.4 Structure of this report

This report sets out the Committee’s findings from the Inquiry, along with its recommendations for change.

Chapter 2 explores issues connected to the timelines and voters’ participation in the by-elections.

In Chapter 3, the Committee looks at the new programs and approaches that were trialled by the VEC during the by-elections.

Chapter 4 provides an analysis of the VEC’s delivery of the by-elections, exploring several new and recurring issues.

Chapter 5 looks at the specific issue of campaigners’ behaviour outside voting centres, one of the recurring and particularly concerning problems during elections.

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<sup>7</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 34.



# Chapter 2

## Timelines and participation

### 2.1 Introduction

The Prahran and Werribee by-elections began when the writs were issued on 20 December 2024 (Prahran) and 6 January 2025 (Werribee). Election day for both by-elections was 8 February 2025. As a result, many of the key steps in the election process occurred in December or January, and campaigning took place in January. This caused a number of problems for campaigners, voters and the Victorian Electoral Commission (VEC), which are explored in Section 2.2 of this chapter.

Part of every election inquiry is measuring the ‘health’ of an election. Voters’ participation levels are key criteria used to do this. These include the proportion of electors who turn out to vote (the turnout rate) and the proportion of voters who do not fill out ballot papers according to the rules (the informality rate). For the Werribee by-election, both of these rates were close to the average for by-elections. However, for Prahran, they were both very low. While the low informality rate is a good sign, the low turnout is concerning. The causes of the low turnout rate and possible solutions are discussed in Section 2.3.

Voters took advantage of a variety of ways to vote, including early in-person voting, postal voting, telephone assisted voting, mobile voting and low-sensory voting. Less than half of the voters at the by-elections voted in person on election day. The different ways of voting are examined in Section 2.4. Some changes to early voting and low-sensory voting are further discussed in Chapter 3.

### 2.2 Timelines

The 2025 by-elections were initiated by the resignation of the members representing Prahran and Werribee Districts. Sam Hibbins (Prahran District), resigned on 23 November 2024. The Hon. Tim Pallas (Werribee District) resigned on 6 January 2025.

Once a member of the Lower House has resigned, the Speaker of the Legislative Assembly is required to set an election timeline. The Electoral Act includes a series of rules for this timeline which allows a limited amount of flexibility. The Speaker was able to use this flexibility to make election day the same for both by-elections. Holding the by-elections on the same day provided some efficiencies for the VEC in managing the electoral processes. However, earlier parts of the process were shorter for the Werribee by-election than Prahran, as it started later.

The election timelines for the 2025 by-elections are set out in Table 2.1.

**Table 2.1 The 2025 by-election timelines**

Event	Prahran by-election	Werribee by-election
Issue of the writ	20 December	6 January
Opening of nominations	23 December	7 January
Close of roll	27 December	13 January
Close of nominations and ballot draw	17 January	24 January
Mobile voting / low-sensory voting	28 January	28 January
Early voting begins	29 January	29 January
Election day	8 February	8 February
Results declared	18 February	19 February

Source: Victorian Electoral Commission, *Submission 3*, pp. 6–7; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, pp. 18–19.

Submitters and witnesses raised a number of concerns about the timelines.

Several stakeholders noted that the December–January holidays were a problem. The timeline meant that campaigning occurred when many voters were on holidays.<sup>1</sup> It also meant that it was harder for candidates to engage volunteers to campaign for them, to get election material developed, printed and posted, and to access the VEC.<sup>2</sup>

The closing of the rolls in late December and early January may have made it difficult for people to update their details, especially if they were travelling.<sup>3</sup> The VEC noted that there were minimal changes to the electoral roll for Prahran and Werribee Districts between the issue of the writs and the close of rolls, possibly because of the holiday period.<sup>4</sup> This may have led to less accurate rolls and people missing out on voting.

The timing of the by-elections over the December–January period may have contributed to the low turnout at the Prahran by-election (see Section 2.3.1 of this chapter).

The timing also caused difficulties for the VEC and the Australian Electoral Commission. Staff had to work during planned office closures over the Christmas–New Year period to manage the close of rolls for the Prahran by-election. Ballot paper printing and distribution was required over the Australia Day long weekend, putting strain on external suppliers and VEC staff.<sup>5</sup>

Several stakeholders argued that the length of time between the close of nominations and the opening of early voting in the Werribee by-election (four days) was too short

<sup>1</sup> The West Party Inc., *Submission 2*, p. 3; Rachel Westaway MP, *Submission 6*, pp. 3–4.

<sup>2</sup> Rachel Westaway MP, *Submission 6*, p. 3.

<sup>3</sup> Rachel Westaway MP, *Submission 6*, pp. 3–4.

<sup>4</sup> Victorian Electoral Commission, *Submission 3*, p. 14.

<sup>5</sup> Victorian Electoral Commission, *Submission 3*, p. 13.

to design and print how-to-vote cards.<sup>6</sup> Moreover, the VEC did not open the process for registering how-to-vote cards for the Werribee by-election until 28 January, the same day that mobile voting commenced. As only registered how-to-vote cards are distributed with mobile voting, this made it very impractical to have how-to-vote cards included with mobile voting. However, the length of time for the Prahran by-election (11 days) was considered sufficient for some. Similar problems with the short time between the close of nominations and the opening of voting at general elections have been noted previously.<sup>7</sup> This issue is explored further, with a recommendation, in Section 3.3 of this report.

As noted above, the Electoral Act provides some flexibility for the timeline of a by-election, but the flexibility is limited. The latest possible date for the Prahran by-election would have been 15 February 2025. Under the current legislation, it would not have been possible to avoid the Christmas-New Year period or January.

The VEC recommended reviewing the legislated timelines for elections, including recommendations previously made by the Committee.<sup>8</sup> The Greens recommended allowing the Speaker to extend the election period if key enrolment or other dates intersect with significant dates like Christmas.<sup>9</sup> Some stakeholders also recommended a longer period between the close of nominations and the start of voting to allow for how-to-vote cards to be registered and printed.<sup>10</sup>

The Committee agrees that the timelines for these by-elections were problematic. The Committee would like to see more flexibility provided in the legislation to allow longer timelines where needed. At the same time, the Committee recognises that some limitations are needed to ensure that districts are not unrepresented for too long and that speakers do not abuse the flexibility in the timeline to achieve political advantage.

**FINDING 3:** The timelines for by-elections are set by the Speaker of the Legislative Assembly. However, the Electoral Act provides the Speaker with only a limited amount of flexibility in setting the timelines. As a result, key periods of the Prahran by-election coincided with the Christmas–New Year period and January. This made it harder for candidates to campaign, may have led to a less accurate electoral roll, may have reduced voter turnout, created difficulties for electoral commission staff and put strain on external suppliers.

<sup>6</sup> Australian Greens Victoria, *Submission 4*, p. 5; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 11; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 22; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 29, 31.

<sup>7</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 13; vol. 2, July 2024, p. 304.

<sup>8</sup> Victorian Electoral Commission, *Submission 3*, p. 9.

<sup>9</sup> Australian Greens Victoria, *Submission 4*, p. 3.

<sup>10</sup> Australian Greens Victoria, *Submission 4*, p. 5; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 10–11; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 22; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 29, 30.

**FINDING 4:** The length of time between the close of nominations and the opening of voting for the Werribee by-election was only four days (including the Australia Day long weekend). This made it impractical to have how-to-vote cards ready and registered in time for mobile voting.

**RECOMMENDATION 1:** That the Government introduce legislation amending section 63 of the Electoral Act to allow the Speaker to appoint the day for the close of rolls to be up to 35 days after the issue of the writ and the final nomination day to be up to 56 days after the issue of the writ (for by-elections).

## 2.3 Participation indicators

The Committee uses three key indicators to understand the level of participation in an election:

- enrolment (the proportion of the eligible population that is on the electoral roll)
- turnout (the proportion of enrolled people who actually vote at an election)
- formality (the proportion of votes that can be counted because they comply with the rules for filling out the ballot papers).

The VEC informed the Committee that reliable enrolment rates are not available for individual districts<sup>11</sup> and so this factor has not been considered for the by-elections. Table 2.2 sets out the turnout rate and the rate of informal votes (that is, the votes that were not formal) for the Prahran and Werribee by-elections. To provide context, the figures for the 2022 state election have also been included. However, by-elections historically have lower turnout rates and higher informality rates than general elections. They also tend to be more variable. Table 2.2 therefore also includes both the average and the range of turnout and informality rates for by-elections since 2007.

**Table 2.2 Turnout and informality rates**

Indicator	Prahran by-election	Werribee by-election	2022 state election	By-election average <sup>a</sup>	By-election range <sup>a</sup>
Turnout (% of enrolled voters)	68.3	79.9	88.1	80.6	68.3–91.1
Informality (% of votes)	3.9	6.7	5.5 <sup>b</sup>	6.8	3.9–11.5

a. Counting by-elections between 2007 and 2025. Narracan supplementary election not included.

b. Lower House only.

Source: Electoral Matters Committee based on VEC data.

<sup>11</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, correspondence, 13 June 2025, p. 3.

Werribee was close to the average for by-elections for both turnout and informality. However, Prahran had the lowest figures for both turnout and informality of any of the by-elections considered.

The Committee is pleased to see the low informality rate in Prahran. Prahran District also had one of the lowest informality rates at the 2022 general election, at 3.0%.<sup>12</sup> However, the low turnout rate was concerning. This is discussed in Sections 2.3.1 and 2.3.2 below.

As noted above, the Werribee by-election turnout and informality rates were close to the average for by-elections. However, some submitters considered that these rates could have been improved. The West Party Inc. noted that the turnout (79.9%) was lower than it was for Werribee District at the 2022 general election (85.6%) and attributed this to: the timing of the by-election, limited communication from the VEC to voters and voters being confused about whether they were in Werribee District.<sup>13</sup>

Regarding informality, the Victorian Trades Hall Council suggested that Werribee District's linguistic diversity may have been a contributing factor. The organisation called for more staff speaking languages other than English at voting centres.<sup>14</sup> Both the Trades Hall Council and the Labor Party suggested that improvements could be made to provide more information for people with limited English.<sup>15</sup>

**FINDING 5:** The turnout rate and informality rate for the Werribee by-election were close to the average for by-elections.

**FINDING 6:** The turnout rate and informality rate for the Prahran by-election were both the lowest of any recent by-election. While the low informality rate is positive, the low turnout rate was a cause of concern for several stakeholders.

### 2.3.1 Causes of the low turnout at the Prahran by-election

Stakeholders put forward a number of theories to explain the low turnout at the Prahran by-election. These included the timing of the by-election, the adequacy of the communications campaign, the demographics of the district and the fact that no candidate was running from the Labor Party.<sup>16</sup>

<sup>12</sup> Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, p. 147.

<sup>13</sup> The West Party Inc., *Submission 2*, p. 3; Paul Hopper and Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 10.

<sup>14</sup> Victorian Trades Hall Council, *Submission 7*, p. 5.

<sup>15</sup> Victorian Trades Hall Council, *Submission 7*, p. 5; Australian Labor Party, *Submission 8*, pp. 2–3; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>16</sup> One submitter also suggested that crime rates and annoyance at needing a by-election may have impacted on turnout—Name withheld, *Submission 9*, p. 1.

## Timing of the by-election

Rachel Westaway MP, the successful candidate at the Prahran by-election, argued that the timing of the by-elections ‘unquestionably contributed to the low voter turnout’.<sup>17</sup> Election day being in early February meant that the bulk of campaigning was conducted in January, when many voters would have been on holiday or on leave.<sup>18</sup> The Victorian Trades Hall Council similarly noted that the timing may have made it difficult for community engagement to occur before the election.<sup>19</sup>

The VEC also believed that the timing may have contributed to the lower turnout. The VEC argued that:

- some voters were out of the district during the election period, such as university students (which form a higher proportion of Prahran District’s population than Werribee’s)
- voter engagement is also likely to be lower during the summer holidays
- the proximity of the by-elections to the 2024 local council elections and the 2025 Commonwealth elections may have led to voter fatigue or confusion.<sup>20</sup>

The VEC suggested that speculation about the upcoming Commonwealth election may have increased people’s political motivation to vote in the Werribee by-election (where the Labor and Liberal parties were both contesting the seat) more than Prahran District (where no Labor candidate was running).<sup>21</sup>

The Greens highlighted the fact that the electoral roll for the Prahran by-election closed during the Christmas holidays. This may have led to fewer people updating their details in time to be on the roll. The Greens noted that there was a large number of updates to the electoral roll between the Prahran by-election and the Commonwealth election, suggesting that the roll may have been out of date at the time of the by-election.<sup>22</sup> This is in contrast to a small number of changes made between the issue of the writ and the close of the roll during the by-election.<sup>23</sup> These facts suggest that the roll may have included a number of people who no longer live in the district. These people may therefore not have been aware of the by-election, leading to a lower turnout.

As discussed in Section 2.2 of this chapter, the Committee agrees that the timing of the Prahran by-election was problematic.

<sup>17</sup> Rachel Westaway MP, *Submission 6*, p. 3.

<sup>18</sup> Rachel Westaway MP, *Submission 6*, p. 3; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 1. See also Victorian Trades Hall Council, *Submission 7*, p. 3.

<sup>19</sup> Victorian Trades Hall Council, *Submission 7*, p. 3.

<sup>20</sup> Victorian Electoral Commission, *Submission 3*, p. 59.

<sup>21</sup> Victorian Electoral Commission, *Submission 3*, p. 59.

<sup>22</sup> Australian Greens Victoria, *Submission 4*, pp. 2–3.

<sup>23</sup> Victorian Electoral Commission, *Submission 3*, p. 14.

## The communications campaign

Several stakeholders suggested that the VEC had not done enough to raise awareness about the by-elections. They believed that this contributed to the low turnout. It was also argued that the communication campaign could have been more effective, both in terms of reaching more people and in communicating important information.

The VEC provided a detailed description of the communication campaign in its submission, which included:

- paid advertising across print, radio, digital and social media channels
- a media campaign
- a VoterAlert SMS and email campaign delivered to electors who had registered with the service
- information published on social media and the VEC’s website
- education and outreach in key communities delivered through the Democracy Ambassador Program.<sup>24</sup>

However, the Liberal Party considered that ‘there was not sufficient effort made by the Victorian Electoral Commission (VEC) to inform all voters of the holding of by-elections for the Districts of Prahran and Werribee.’<sup>25</sup> Regarding the Prahran by-election, Rachel Westaway MP argued that there was:

poor marketing, flow of communications and awareness raising by the VEC that these by-elections were being conducted, as well as the lack of effort by the Allan Government to bring greater attention and awareness within the local communities where a by-election was being conducted.

During the Prahran by-election there was little obvious communication and direct marketing to the Prahran electorate of an impending by-election.<sup>26</sup>

The Labor Party also called for ‘clearer and more direct communication’<sup>27</sup> and one anonymous submitter told the Committee that they did not hear about the by-election until a couple of days before voting finished.<sup>28</sup>

The Liberal Party noted the VEC’s reliance on its VoterAlert service, which send emails or SMS messages to electors, but only electors who have signed up for the service. The VEC stated that 72.6% of enrolled voters in Prahran District and 68.7% in Werribee District were subscribed to VoterAlert.<sup>29</sup> A significant portion of the electorate is

<sup>24</sup> Victorian Electoral Commission, *Submission 3*, pp. 15–19; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, pp. 32–7.

<sup>25</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 1.

<sup>26</sup> Rachel Westaway MP, *Submission 6*, p. 2.

<sup>27</sup> Australian Labor Party, *Submission 8*, p. 2. See also Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>28</sup> Name withheld, *Submission 1*, p. 1.

<sup>29</sup> Victorian Electoral Commission, *Submission 3*, p. 17.

therefore not reached by the service. VEC data supplied to the Committee indicated that older people in particular are subscribed at much lower levels than younger people.<sup>30</sup> It was also suggested that VoterAlert may not always be reliable, with one witness indicating that the email sent to his address was sent to his junk mail folder by his service.<sup>31</sup>

Ms Westaway also raised concerns about the VEC's website being inaccessible and people receiving inconsistent information from the VEC's phone inquiry service.<sup>32</sup>

The Victorian Trades Hall Council suggested that there may have been some confusion about whether voting was compulsory:

Union volunteers also had discussions with voters in both districts regarding their obligation to vote in the by-elections; and there was some misunderstanding by some voters who thought participation was voluntary rather than compulsory in by-elections.<sup>33</sup>

Stakeholders also noted that some people at the Werribee by-election were confused about district boundaries and that more could be done to inform electors when boundaries change.<sup>34</sup>

These points of confusion may have been a result of the VEC's communications not reaching people or of them not being effective.

### Demographic factors

The VEC noted that inner-city districts tend to have lower turnout rates at by-elections. The 2007 Albert Park by-election had a turnout of 70.6% and the 2012 Melbourne by-election had a turnout of 68.6%. These are both close to the Prahran turnout of 68.3%.<sup>35</sup> This may be a result of demographic factors such as a higher proportion of renters, a population that is more likely to move homes and changing electoral boundaries that are not obvious to electors.<sup>36</sup>

In addition, the VEC noted demographic differences between Prahran and Werribee districts that may have contributed to the low turnout. Prahran District has a larger proportion of younger voters, with 25.7% of the enrolled population between the ages

<sup>30</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, correspondence, 13 June 2025, p. 4.

<sup>31</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 17.

<sup>32</sup> Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 2.

<sup>33</sup> Victorian Trades Hall Council, *Submission 7*, p. 3. See also Australian Labor Party, *Submission 8*, p. 2.

<sup>34</sup> The West Party Inc., *Submission 2*, p. 3; Victorian Trades Hall Council, *Submission 7*, p. 7; Paul Hopper and Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 10.

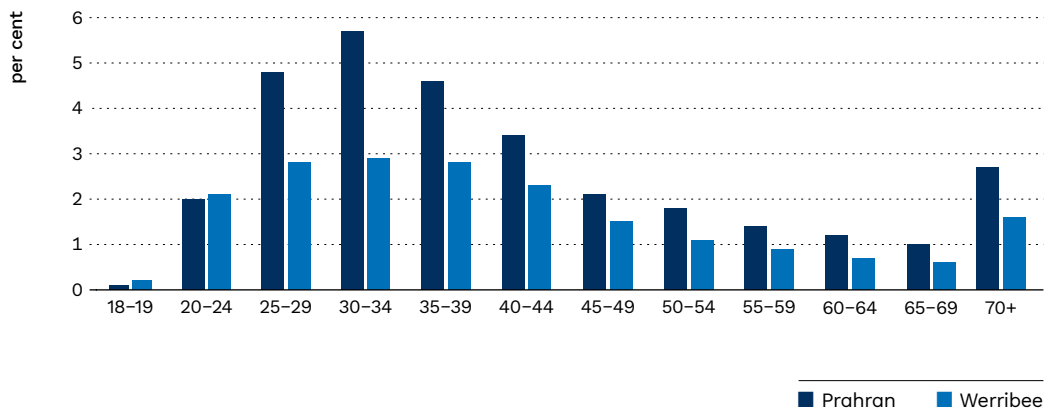
<sup>35</sup> Victorian Electoral Commission, *Submission 3*, pp. 55–6.

<sup>36</sup> Victorian Electoral Commission, *Submission 3*, pp. 57–8; Victorian Trades Hall Council, *Submission 7*, p. 3; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 21.

of 25 and 34, compared to 19.0% in Werribee District. People in their 20s and 30s tend to have lower turnout rates.<sup>37</sup>

This effect can be seen in Figure 2.1, which shows how each age bracket contributed to the non-turnout rate. The main difference between Prahran and Werribee is voters between 25 and 44, who contributed much more to the non-turnout rate in Prahran than Werribee.

**Figure 2.1 Non-participation by different age groups, Prahran and Werribee by-elections**



Note: These figures represent the number of enrolled voters in each age bracket who did not have their names marked off the roll as a proportion of the total enrolment for each district.

Source: Electoral Matters Committee based on VEC data.

Prahran District also has a higher proportion of older people than Werribee, with 14.7% of enrolled people aged 70 or higher. In contrast only 10.9% of enrolled voters in Werribee District are 70 or over. This age group also typically has lower turnout rates.<sup>38</sup> Figure 2.1 indicates that this age group also contributed to the lower turnout in Prahran.

However, the Committee notes that non-participation was higher in Prahran than Werribee for all age brackets except 18-24-year-olds. This suggests that, while the larger proportions of younger and older voters in Prahran may have contributed to the lower turnout, they were not the only cause.

### Lack of major party candidates

The VEC suggested that turnout may be affected by whether major parties are running candidates. The VEC stated that there tends to be a larger drop in turnout (compared to the turnout in the same district for a general state election) when either the

<sup>37</sup> Victorian Electoral Commission, *Submission 3*, pp. 56-7; Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 29.

<sup>38</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 29.

Coalition or Labor Party do not run a candidate.<sup>39</sup> However, the Committee notes that only 4 of the 16 by-elections since 2007 have featured candidates from both the Coalition and Labor Party, making it difficult to separate this factor from other factors affecting turnout.

**FINDING 7:** Multiple hypotheses have been put forward to explain the low turnout at the Prahran by-election, including the timing of the by-election, inadequacies in the communications campaign, the district's demographics and the fact that one of the major parties was not running a candidate.

### 2.3.2 Responding to the low turnout at the Prahran by-election

Several changes were suggested to tackle the problems set out in Section 2.3.1. These included mailing information to all electors, avoiding clashes with holiday periods and finding ways to make the electoral roll more accurate.

#### Improved communications campaigns and materials

The Labor Party, Liberal Party and other stakeholders recommended that the VEC inform all voters about by-elections in writing by mail. It was argued that post was able to reach the most voters, that official correspondence by post was considered authoritative and reliable, and that people were more likely to pay attention to personalised mail than an advertisement.<sup>40</sup> It was also suggested that mailing the electors not signed up to the VEC's VoterAlert service may be cheaper for a by-election than mass advertising, as well as more effective.<sup>41</sup>

The Committee has previously recommended that the VEC post printed information to electors about state elections.<sup>42</sup> The Electoral Commissioner informed the Committee that the VEC will do 'a statewide hard copy mail-out of a vote guide to every household' at the 2026 state election and future by-elections.<sup>43</sup> The Committee welcomes this decision.

Improvements to the VEC's communication products were also recommended. As discussed above, concerns were raised about people not being aware that voting

<sup>39</sup> Victorian Electoral Commission, *Submission 3*, p. 56. See also Name withheld, *Submission 9*, p. 1.

<sup>40</sup> Liberal Party of Australia, Victorian Division, *Submission 5*, p. 2; Australian Labor Party, *Submission 8*, pp. 2-3; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 6; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 10; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 17-18; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 29-30. Jessica Wheelock from the Greens (public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 24) noted that there are still some groups that would not be reached by post.

<sup>41</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 17-18.

<sup>42</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 141, Recommendation 30.

<sup>43</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 36.

was compulsory and being unsure about which district they live in. In addition, Rachel Westaway MP told the Committee that people had received inconsistent advice from the VEC's call centre and had experienced difficulties accessing the VEC's website.<sup>44</sup> An anonymous submitter also noted problems finding information on the VEC's website.<sup>45</sup> The Greens called for more information to be published on the VEC's website about the accessibility of voting centres for people with disability,<sup>46</sup> and Dr Joe Garra suggested that more could be done to let people with mobility issues know that they can vote from their car.<sup>47</sup>

In relation to the Werribee by-election, the Labor Party called for printed material to be posted to electors with translated material and targeted communication through local ethnic media.<sup>48</sup> The Victorian Trades Hall Council recommended hiring more voting centre staff speaking languages other than English and publishing information about which voting centres have staff speaking which languages.<sup>49</sup>

The Committee was also told that more could have been done to publicise low-sensory voting (see Section 3.2 in Chapter 3).

The VEC should consider these concerns and review their materials to ensure that they are clear and effective.

**FINDING 8:** Multiple stakeholders called for the VEC to send electors information by post to let them know about by-elections. The VEC indicated that it will do this for future elections and by-elections. Several areas for improvement in the VEC's communications materials were also suggested.

**RECOMMENDATION 2:** That the Victorian Electoral Commission review the evidence provided to this Inquiry and make changes to its public communications products, as necessary, to better inform electors.

## A more accurate electoral roll

As discussed in Section 2.3.1, the low turnout might be partly a result of the electoral roll being out of date. The timing of the Prahran by-election may have contributed to that, with the close of rolls happening on 27 December.

<sup>44</sup> Rachel Westaway MP, *Submission 6*, p. 6; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 2.

<sup>45</sup> Name withheld, *Submission 1*, p. 1.

<sup>46</sup> Australian Greens Victoria, *Submission 4*, pp. 3-4; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 22.

<sup>47</sup> Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 11.

<sup>48</sup> Australian Labor Party, *Submission 8*, pp. 2-3; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>49</sup> Victorian Trades Hall Council, *Submission 7*, p. 5.

The Greens and Rachel Westaway MP supported changes to election timelines to prevent by-elections happening at the same time as other significant events or holiday periods.<sup>50</sup> As discussed in Section 2.2 of this chapter, the Committee agrees that the timing of the Prahran by-election was problematic and recommends more flexibility for future by-elections.

The Greens recommended expanding the number of government bodies that the VEC gets data from as part of its automatic enrolment updates. The Greens suggested the State Revenue Office and the Residential Tenancy Bond Authority. The latter was seen as especially useful for capturing data about renters, which may be particularly relevant to Prahran District.<sup>51</sup> Voter education and changes to processes were also suggested as ways to make the electoral register more up to date.<sup>52</sup>

The Greens also suggested that people should be able to update their enrolment at any time, including on election day.<sup>53</sup> In fact, this is already permitted as a 'provisional vote',<sup>54</sup> although the Greens stated that they were told of multiple eligible electors being turned away in the Prahran by-election because they were not on the roll.<sup>55</sup> The VEC appeared not to be aware of these incidents when questioned, but noted that 219 provisional votes were taken in Prahran and 329 in Werribee.<sup>56</sup> Ben Sutherland from the VEC noted that provisional voting is included in the VEC's training products for election managers and voting centre managers.<sup>57</sup>

**FINDING 9:** Out-of-date details on the electoral roll may have contributed to the low turnout at the Prahran by-election. Better timing for the close of rolls and more automatic updates would help to provide a more accurate roll.

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore new organisations to receive data from as part of its automatic enrolment program, including the State Revenue Office and the Residential Tenancy Bond Authority.

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- <sup>50</sup> Australian Greens Victoria, *Submission 4*, p. 3; Rachel Westaway MP, *Submission 6*, p. 2; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 1; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 21–2.
- <sup>51</sup> Australian Greens Victoria, *Submission 4*, pp. 2–3; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 21. See also Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 6; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 19.
- <sup>52</sup> Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 25.
- <sup>53</sup> Australian Greens Victoria, *Submission 4*, p. 3; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 21–2.
- <sup>54</sup> *Electoral Act 2002* (Vic) s 108.
- <sup>55</sup> Australian Greens Victoria, *Submission 4*, p. 3; Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 26.
- <sup>56</sup> Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 40; Victorian Electoral Commission, *Submission 3*, p. 42.
- <sup>57</sup> Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 40.

**FINDING 10:** The Committee was told of people who were not on the electoral roll being turned away from voting centres rather than given provisional votes.

**RECOMMENDATION 4:** That the Victorian Electoral Commission investigate claims about eligible electors not being offered provisional votes, and review its training materials to ensure that they contain clear and accurate information about provisional voting.

## Civics education

The VEC recommended additional civics and democracy education in schools, stating that, ‘Despite enrolment rates for young people in Victoria being among the highest across Australia, challenges still remain in fully addressing the participation gap among younger demographics.’<sup>58</sup>

The VEC called for the Civics and Citizenship program in the Victorian curriculum (which goes to year 10) to be more consistently implemented in schools and for a mandatory civics and democracy course for all year 11 and 12 students.<sup>59</sup>

The Victorian Trades Hall Council similarly suggested improved civics education in schools. This was seen as a way to reduce disengagement with democracy and increase participation. The organisation called for a change in what is taught:

The current curriculum solely relies on the teaching of political facts; for example, how many Members of Parliament belong in the House of Representatives. While this information is important, being an active citizen is about so much more.

Politics is about understanding how political power is asserted and exercised; and how we as citizens are able to exert our own power. Politics is about the contest of ideas, about current issues that are complex and are required to be debated in schools, not just in Parliament.<sup>60</sup>

The Committee notes that civics education is a complex topic that is beyond the scope of this Inquiry. The Committee looked at civics education as part of an inquiry in 2018,<sup>61</sup> and the Commonwealth Joint Standing Committee on Electoral Matters recently tabled a report on civics education, engagement and participation.<sup>62</sup> However, the Committee considers that this is an important issue, and it may be timely for this Committee to look at this in more detail as part of a future inquiry.

<sup>58</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 90 (with source).

<sup>59</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 90.

<sup>60</sup> Victorian Trades Hall Council, *Submission 7*, p. 4.

<sup>61</sup> Parliament of Victoria, Electoral Matters Committee, *Inquiry into civics and electoral participation in Victorian state parliamentary elections*, August 2018.

<sup>62</sup> Parliament of Australia, Joint Standing Committee on Electoral Matters, *From classroom to community: civics education and political participation in Australia*, January 2025.

## 2.4 Different ways to cast a vote

The VEC offered voters a range of ways to cast their vote. In addition to voting in person on election day, people could vote in person at early voting centres, via post or (if certain criteria were met) via telephone. Mobile voting and low-sensory voting were also offered for people with special needs. Table 2.3 sets out how many people used each of these options.

**Table 2.3 Voters using each voting method at the 2025 by-elections**

Voting method	Prahran by-election	Werribee by-election
Mobile <sup>a</sup>	-	90
Low-sensory	21	54
Telephone-assisted	103	108
Postal	6,852	5,815
In-person early <sup>b</sup>	11,331	23,196
In-person election-day (ordinary)	14,344	15,502
Other <sup>c</sup>	235	355
<b>Total</b>	<b>32,886</b>	<b>45,120</b>

a. Excluding low-sensory mobile voting.

b. Excluding mobile and low-sensory mobile voting.

c. Includes absent (but not telephone-assisted), provisional and 'marked as voted' votes.

Note: Some figures differ from figures published by the VEC due to different categorisation.

Source: Committee calculations based on Victorian Electoral Commission, *Submission 3*, pp. 36, 40–2.

In both by-elections, less than half of the people voted in person on election day, highlighting the importance of the alternative options offered. This also confirmed the VEC's approach to the number of voting centres. The VEC had fewer election-day voting centres for the Prahran and Werribee by-elections than it did in those districts at the 2022 general election.<sup>63</sup> The same approach was adopted at the 2023 Warrandyte and Mulgrave by-elections.<sup>64</sup> The VEC believes that these lower numbers of voting centres were sufficient,<sup>65</sup> and the Committee has received no evidence to the contrary.

The VEC trialled some changes with low-sensory and in-person early voting at these by-elections. The changes are discussed further in Chapter 3 of this report.

The Committee was also interested to see whether progress had been made addressing two major problems that were previously identified by the Committee. These related to postal voting and ballot paper shortages for in-person voting on election day.

<sup>63</sup> Victorian Electoral Commission, *Submission 3*, pp. 20–1, 62.

<sup>64</sup> Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, p. 13; Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, p. 19.

<sup>65</sup> Victorian Electoral Commission, *Submission 3*, p. 20.

### 2.4.1 Postal voting

When an elector is sent a postal vote, they are also sent a ‘declaration envelope’ to return it in. This envelope has a form printed on it which must be correctly completed. This includes a verification question which the elector sets when they apply for a postal vote. The voter must also sign the form (with a signature that matches the one the VEC has on file) and it must be signed by a witness.

At the 2022 state election, over 60,000 postal votes that were returned on time could not be counted because voters had not completed the declaration form or had not completed it accurately. In most cases (77.1%), the problem was voters providing no answer to the verification question.<sup>66</sup> These high numbers of people suggest a problem with the design of the declaration envelope.

After the election, the VEC told the Committee that it was redesigning the envelope. The Committee supported this and recommended that the new design be tested at a by-election if possible.<sup>67</sup> A new design was developed, and it was trialled at the 2023 Warrandyte and Mulgrave by-elections and the 2025 Prahran and Werribee by-elections.<sup>68</sup>

Table 2.4 compares the postal votes rejected at the Prahran and Werribee by-elections to the 2022 state election. The data suggest that the new design has reduced the problem. However, approximately 10% of postal votes were rejected in both by-elections, which the Committee considers to still be high.

**Table 2.4 Rejected postal votes**

Postal votes	Prahran by-election	Werribee by-election	2022 state election
Total returned on time <sup>a</sup>	7,595	6,515	482,236
Total rejected	727 (9.6% <sup>b</sup> )	692 (10.6% <sup>b</sup> )	77,386 (16.0% <sup>b</sup> )
Rejected due to having no answer to the verification question	369 (4.9% <sup>b</sup> )	378 (5.8% <sup>b</sup> )	n/a (11.3% <sup>b</sup> )

a. Includes email votes.

b. Proportion of total postal votes returned on time.

Source: Electoral Matters Committee based on VEC data.

In both by-elections, providing no answer to the verification question was by far the most common cause of postal votes being rejected (50.8% of rejected votes in Prahran and 54.6% in Werribee). Incorrect answers to the question accounted for an additional 11.7% in Prahran and 17.3% in Werribee.<sup>69</sup> In total, problems with the verification

<sup>66</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 87.

<sup>67</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 87–9.

<sup>68</sup> Victorian Electoral Commission, *Submission 3*, p. 39.

<sup>69</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, correspondence, 13 June 2025, p. 6.

question were responsible for 62.4% and 72.0% of rejected postal votes in Prahran and Werribee respectively.

The Committee recognises the improvements made by the VEC but considers that the verification question remains a major point of difficulty for voters. The VEC has indicated that it is ‘committed to an overall redesign of the postal ballot pack and declaration envelope to further improve these [rejection] rates.’<sup>70</sup> The Committee would like to see further work by the VEC done as a matter of urgency to address this problem before the 2026 state election.

**FINDING 11:** Approximately 16.0% of postal votes that were returned on time at the 2022 state election were not counted, mostly due to voters not filling out the verification question on the envelope. The VEC has redesigned the envelope since the election and the by-elections saw lower rates of postal votes being rejected (9.6% in Prahran and 10.6% in Werribee). While this improvement is welcome, these rates remain problematic.

**RECOMMENDATION 5:** That the VEC urgently identify the causes of voters incorrectly filling out the declaration envelopes for postal votes, especially the verification question, and redesign the envelope to address the problems before the 2026 state election.

### 2.4.2 Ballot paper shortages

At the 2022 state election, multiple voting centres ran out of ballot papers on election day. The VEC has identified nine voting centres which ran out of ballot papers and at least 166 people who missed out on voting as a result, though evidence from other sources indicates that the numbers may be higher.<sup>71</sup>

The problems at the 2022 election were partly a result of difficulties with forecasting the number of voters at voting centres and, as a result, problems with the distribution of ballot papers to voting centres.

The Committee sought details from the VEC about the number of ballot papers issued to each voting centre at the by-elections to see whether the issue had reoccurred. The VEC’s data indicated that all voting centres at the by-elections were issued with sufficient numbers of ballot papers at the start of election day.<sup>72</sup> No voting centre ran out of ballot papers.

**FINDING 12:** The VEC provided enough ballot papers to each voting centre to ensure that no voting centres ran out of ballot papers during the 2025 by-elections.

<sup>70</sup> Victorian Electoral Commission, *Submission 3*, p. 39.

<sup>71</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 214–15, 220; Parliament of Victoria, Electoral Matters Committee, *Ballot paper shortages at the 2022 Victorian state election*, May 2025, p. 4.

<sup>72</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, correspondence, 13 June 2025, pp. 1–2.

# Chapter 3

## New approaches trialled by the Victorian Electoral Commission

### 3.1 Introduction

In the 2025 by-elections, the Victorian Electoral Commission (VEC) trialled some new strategies to improve the election experience and address issues that emerged in previous elections. The new strategies included:

- providing low-sensory voting options
- changes in the early voting times
- implementing a campaigner registration trial.

The VEC also continued to use electronic roll mark-off at all voting centres, which has been trialled at previous by-elections and will be used more extensively at future general elections.

The Committee welcomes the use of by-elections to test new approaches.

In this chapter, the new approaches and programs trialled by the VEC are analysed to understand their effectiveness, identify areas of improvement and suggest future steps to improve all the programs trialled. During the Inquiry, stakeholders provided their perspectives on these various programs, flagging issues and limitations for some of them. The Committee believes that there are several areas for improvement for the upcoming 2026 election.

### 3.2 Low-sensory voting

Low-sensory voting was first trialled by the VEC at the 2023 Warrandyte by-election. Low-sensory voting consists of adjusting voting centres for people who may benefit from a quieter, less stimulating voting place experience. This may include autistic and neurodivergent people, and people with intellectual and developmental or learning disabilities. Adjustments included:

- seeking co-operation from campaigners to allow voters to approach them rather than approaching voters, as well as being more mindful of their volume
- natural or dimmed lighting
- reduced background noise
- extra space around each voting screen

- additional accessible parking spaces
- trained VEC staff wearing the disability sunflower ‘supporter’ lanyard.<sup>1</sup>

During the Inquiry into the conduct of the 2022 Victorian state election, the Committee investigated the 2023 trial and the challenges faced by the VEC in implementing this method of voting. The Committee welcomed the initiative. However, the VEC considered the 2023 trial was only of limited effectiveness due to the behaviour of campaigners, which resulted in some electors turning away and not casting their vote.<sup>2</sup> Based on this, the Committee recommended:

That the Government introduce legislation amending the Electoral Act to provide the VEC with the ability to apply an extended campaigning exclusion zone at specified voting centres and for specified times, so that the VEC can provide dedicated periods of low-sensory voting. This should include an obligation for the VEC to adequately inform election stakeholders, with a defined notice period, when an extended exclusion zone will apply.<sup>3</sup>

The Government response tabled on 6 February 2025 supported the recommendation in principle; however, the Government indicated that its support is subject to consultation with the VEC, disability advocacy organisations, health professionals and other key stakeholders to understand the operational and funding impacts of the reforms.<sup>4</sup>

During the 2025 Prahran and Werribee by-elections, the VEC again trialled low-sensory voting, implementing changes following the results of the previous trial. In particular, the VEC trialled a dedicated low-sensory voting site in each district the day before the beginning of early voting. This contrasts with the approach at the Warrandyte by-election, where low-sensory voting was offered on one of the regular early voting days.

The VEC explained the 2025 trial:

Each site operated as a mobile voting centre from 10 am to 6 pm on the day before EVCs [early voting centres] opened. The static early voting hours initiative made this possible and reinforced the value of a 2-week early voting period, allowing time for mobile voting.<sup>5</sup>

While the Committee welcomes the initiative, it has been suggested that more might have been done to promote the service and engage with voters that have specific needs. The VEC stated that it promoted the trial by working with local councils and

<sup>1</sup> Victorian Electoral Commission, *Submission 3*, p. 9.

<sup>2</sup> Victorian Electoral Commission, *Submission 3*, p. 9.

<sup>3</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 118, Recommendation 27.

<sup>4</sup> Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 6 February 2025, p. 8.

<sup>5</sup> Victorian Electoral Commission, *Submission 3*, pp. 9–10.

disability advocacy groups.<sup>6</sup> The VEC also informed candidates and parties about the trial through information in its service plans, circulars to parties and candidate bulletins.<sup>7</sup> However, Paul Hopper, the independent candidate in Werribee, expressed his concerns over the lack of general awareness and promotion of this trial:

We did make a comment in our submission around the lack of awareness of the low-sensory voting station and accessibility. We did attend that and go to some effort to just promote it on our socials for those with low-sensory needs. I happen to have a sister who has got a substantial amount of experience in that space, and she was able to provide some suggestions of different community groups that would know that cohort of people and just let them know. Pretty much everyone we spoke to in those groups was unaware. For the sensory needs of people out there in the community, I think the VEC could develop an understanding of who the community groups, the government groups and the not-for-profit groups are that deal in the low-sensory space, create a database and notify them. Obviously the NDIA is a federal thing, but it has records of all that sort of stuff.<sup>8</sup>

The VEC's evaluation also found that there were 'opportunities for improvement' in relation to communication/engagement with stakeholder groups and communities.<sup>9</sup>

According to the data provided by the VEC, 21 voters used the low-sensory facilities in Prahran District and 54 in Werribee District.<sup>10</sup>

Since this is a new initiative, the Committee cannot compare the performance of this program. However, it seems that more might have been done to publicise the trial. The VEC noted that a general election, with a longer lead time, would allow more sustained engagement and stronger communication than was possible with by-elections.<sup>11</sup>

The VEC considered the trial a success and has stated that it should be expanded at future elections:

The initiative improved control over venue conditions, allowed targeted service delivery, and integrated efficiently within the existing mobile voting program. These benefits, coupled with positive feedback and modest costs, suggest low-sensory voting should be maintained and expanded at future electoral events.<sup>12</sup>

<sup>6</sup> Victorian Electoral Commission, *Submission 3*, p. 36; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 62.

<sup>7</sup> Victorian Electoral Commission, response to questions on notice received 13 June 2025, *passim*.

<sup>8</sup> Paul Hopper, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 12. See also The West Party Inc., *Submission 2*, p. 2.

<sup>9</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 93.

<sup>10</sup> Victorian Electoral Commission, *Submission 3*, p. 36; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 62.

<sup>11</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 93.

<sup>12</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 23 (see also pp. 92–3).

However, the VEC has also raised some concerns about expanding it to a general election:

This would require more complex logistical planning than for by-elections. We also support the Committee's recommendation for legislation to enable extended campaigning exclusion zones at selected voting locations, allowing dedicated low-sensory voting periods.<sup>13</sup>

The Committee encourages the VEC to continue looking for ways to implement low-sensory voting at the 2026 state election and to publicise it to reach as many people as possible. The Committee also calls on the Government to complete the consultation that it needs to make a decision on changing the Electoral Act to provide for a larger campaigner exclusion zone for low-sensory voting.

**FINDING 13:** At the 2025 by-elections, the VEC trialled low-sensory voting by providing dedicated voting centres designed for people who may benefit from a quieter, less stimulating voting place experience. This may include autistic and neurodivergent people, and people with intellectual and developmental or learning disabilities. The VEC is exploring options to roll this out more generally at the 2026 general election. As part of this, the VEC should ensure that it is exploring all practical avenues for promoting this voting option.

### 3.3 Altered early voting period and hours

During the 2022 general election and earlier elections, early voting was offered over two weeks, starting on the Monday 12 days before election day. Concerns were raised about the length of the early voting period in the inquiry into the 2022 state election.

In particular, with that timeline, there was very limited time between the close of nominations and the start of early voting. This made it hard for parties, candidates and others to prepare and print how-to-vote cards. Moreover, the lengthy early voting period created significant difficulties for parties and candidates to find campaigners to be at early voting centres throughout the period.<sup>14</sup>

In its report, the Committee recommended reducing the early voting period. Recommendation 4 states:

That the Government introduce legislation amending the Electoral Act so that early and mobile voting cannot begin until the Saturday seven days before election day.<sup>15</sup>

<sup>13</sup> Victorian Electoral Commission, *Submission 3*, p. 10. See also Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 63.

<sup>14</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 13–21.

<sup>15</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 21, Recommendation 4.

In the same report, the Committee also recommended:

That, if Recommendation 4 is implemented, the VEC provide for early voting on the Sunday before election day and provide extended hours on Tuesday and Thursday evenings during the early voting period (except in locations where there is unlikely to be significant demand).<sup>16</sup>

The Government is yet to make a decision on whether to implement these recommendations.<sup>17</sup>

The VEC noted the concerns raised about the length of the early voting period and trialled a new early voting period in the 2023 Mulgrave District by-election. This trial involved shortening the early voting period and extending late-night voting at early voting centres.<sup>18</sup> This trial was considered a success by the VEC, as reducing the number of early voting days did not noticeably affect early voting uptake.<sup>19</sup>

At the Prahran and Werribee by-elections, the VEC adopted a similar approach:

EVCs [early voting centres] opened from the first Wednesday in the 2-week period before election day ... EVCs in both districts operated from 9 am to 8 pm each day except Sunday 2 February (closed) and Friday 7 February (9 am to 6 pm).<sup>20</sup>

The most significant difference compared to previous general elections is that, in the past, early voting centres would open on the Monday after the final nomination day. With the new model, centres opened on Wednesday. In addition, the new model had static hours (9 am to 8 pm every day except Sunday and the day before election day). In the past, early voting centres were open during the evening hours on only 2–3 days of the early voting period.

Rachel Westaway MP and the Labor Party called for a reduction in the early voting period to one week,<sup>21</sup> as previously recommended by the Committee. Ms Westaway noted the difficulty for candidates supplying enough campaigners and the fact that the longer early voting period means that candidates are busy at voting centres and therefore not able to engage with the wider community. She also noted that having a longer early voting period adds to the cost of elections.<sup>22</sup>

The Committee did not receive any complaints about the shortening of the voting period. However, the Committee did receive feedback that the length of time between the close of nominations and the start of voting was still too short in the Werribee

<sup>16</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 22, Recommendation 5.

<sup>17</sup> Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 6 February 2025, p. 2.

<sup>18</sup> Victorian Electoral Commission, *Submission 3*, p. 8.

<sup>19</sup> Victorian Electoral Commission, *Submission 3*, p. 8.

<sup>20</sup> Victorian Electoral Commission, *Submission 3*, p. 8.

<sup>21</sup> Rachel Westaway MP, *Submission 6*, p. 9; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 31–2.

<sup>22</sup> Rachel Westaway MP, *Submission 6*, p. 9.

by-election (see Section 2.2 in Chapter 2). The Committee therefore continues to believe that a seven-day early voting period would be more appropriate.

Rachel Westaway MP told the Committee that there were few voters coming in the evenings and considered the 8 pm closing to be later than was needed.<sup>23</sup> The VEC indicated that ‘approximately 13% of all early votes were cast between 6 pm and 8 pm’.<sup>24</sup>

The VEC concluded that:

Our evaluation showed a positive reception from voters and election staff. Voters made strong use of the extended hours, while staff noted benefits from consistent operating times. Static hours also provided cost efficiencies, with little difference compared with the previous model, and improved advertising and communications by offering clear, standardised information.<sup>25</sup>

The VEC stated that it intends to open early voting centres ten days before election day at future elections.<sup>26</sup> However, the VEC noted that there were staffing implications in relation to the extended hours which would need to be managed.<sup>27</sup>

As stated above, the Committee’s previous recommendation was that both early and mobile voting begin seven days before election day. However, the VEC’s Deputy Commissioner, Dana Fleming, noted that there had been advantages to conducting mobile voting before early voting commenced:

one thing we were able to do because we shortened the voting period this time is use those two extra days that were still part of the early voting period to provide mobile voting services to those members of our state that face the most barriers to participation, and this is our low sensory voting trial, prisoners, aged care.<sup>28</sup>

The Committee recognises the value of this approach. While the Committee still considers that seven days is sufficient for regular early voting, the Committee would like to see two additional days for mobile voting. With this timeline, there would be enough time to produce and register how-to-vote cards, campaigning at early voting centres would be more manageable and there would still be sufficient opportunities for people to vote.

<sup>23</sup> Rachel Westaway MP, *Submission 6*, p. 9.

<sup>24</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 61.

<sup>25</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 61 (see also p. 93).

<sup>26</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 61.

<sup>27</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 93.

<sup>28</sup> Dana Fleming, Deputy Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 41.

**FINDING 14:** The VEC provided a ten-day early voting period during the Prahran and Werribee by-elections, with an additional day before that for mobile voting. This is a reduction from the twelve-day period offered at the 2022 general election, but is longer than the Committee's previous recommendation of a seven-day early voting period. Some stakeholders found the ten-day period excessive and struggled to produce how-to-vote cards in Werribee, where there was only four days between the close of nominations and the opening of voting.

**RECOMMENDATION 6:** That the Government introduce legislation amending the Electoral Act to reduce the early voting period to 7 days and the period for mobile voting to 9 days before election day.

**FINDING 15:** Early voting centres were open on more evenings of the early voting period at the 2025 by-elections than at the 2022 general election. The VEC considers that this was helpful to voters while providing efficiencies for the VEC.

### 3.4 Campaigner registration trial

A completely new program that the VEC trialled at these by-elections was a campaigner registration trial. The trial asked campaigners at voting centres to register their details with the VEC by completing a paper form. The form set out some key rules and asked for personal details including the campaigner's name, along with emergency contact details and/or whom they were campaigning for.<sup>29</sup>

The Committee previously suggested registering campaigners to address poor behaviour outside voting centres (see Chapter 5 for details about ongoing problems with poor behaviour). In its report on the 2022 state election, Recommendation 13 was:

That the Government introduce legislation amending the Electoral Act to require all people who wish to campaign at a voting centre to register their details with the VEC or an alternative body involved with enforcing electoral law. The legislation should give the appropriate body the power to revoke a person's registration if they behave inappropriately or if they refuse to provide evidence of their identity. The registration system should:

- be quick, easy and centralised
- allow campaigners to register before or during the election period, including on election day
- not require campaigners to indicate whom they are campaigning on behalf of

<sup>29</sup> Victorian Electoral Commission, *Submission 3*, pp. 11, 33–4, 69; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 106.

- allow election officials to add notes about any actions taken in relation to the individual which can be viewed by other election officials
- delete people's details within 30 days after the election unless the person is part of an ongoing investigation.<sup>30</sup>

The Government adopted a cautious approach in its response to this recommendation, stating that further consideration was required, including consultation with the VEC to understand the operational considerations and funding implications.<sup>31</sup>

The VEC in response decided to implement 'a non-legislated, paper-based version of the campaigner registration trial at the 2026 state election'.<sup>32</sup> A trial of this program was deployed at the Prahran and Werribee by-elections.

In correspondence to political parties, the VEC explained:

We will be trialling registration for campaigners outside early voting centres and election day voting centres ... This is part of our risk management approach to ensure that all electors, party and candidate workers, and our staff are safe while attending VEC-managed venues, in accordance with our occupational health and safety obligations.

It also assists to deliver on Volume 1, Recommendation 13 of the Electoral Matters Committee's report from its inquiry into the 2022 Victorian State election.

Any person campaigning outside a voting centre, including early voting centres and election day voting centres, will be requested to complete a paper registration form on arrival. Campaigners will be asked to complete a form at each [centre] they attend each day, including if they are attending multiple venues and/or over multiple days.

More information about the campaigner registration trial will be available closer to the early voting period. We appreciate your cooperation with this initiative.<sup>33</sup>

More information was provided to candidates during the information sessions run by the VEC before voting started. During these sessions, the VEC primarily justified the program by the VEC's need to meet occupational health and safety requirements for all people outside voting centres, including campaigners.<sup>34</sup> The Committee's intention for this to be a way to manage poor behaviour was also noted, and the Electoral Commissioner told the Committee that the Committee's recommendation was 'a big part of the genesis for us doing this'.<sup>35</sup>

<sup>30</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 42, Recommendation 13.

<sup>31</sup> Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 6 February 2025, p. 4.

<sup>32</sup> Victorian Electoral Commission, *Submission 3*, p. 11.

<sup>33</sup> Correspondence to parties of 10 December 2024—Victorian Electoral Commission, response to questions on notice received 13 June 2025, p. 5.

<sup>34</sup> Victorian Electoral Commission, *Submission 3*, pp. 9, 15.

<sup>35</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 39.

However, there was some inconsistency in the messaging from the VEC to parties about whether participation in the trial was voluntary (see Section 4.2 in Chapter 4).

In practice, the registration process of campaigners included the following steps:

campaigners were required to complete a paper registration form each day upon arrival at each site. Wristbands were issued to confirm registration, with the aim of avoiding duplication when returning to the same site within a day. Campaigners were not required to provide proof of authorisation from candidates or parties.<sup>36</sup>

There were a number of key differences between this process and what was recommended by the Committee, including:

- the Committee's recommendation was focused on discouraging poor behaviour outside voting centres and facilitating taking action against people who behave inappropriately rather than occupational health and safety
- the Committee recommended a centralised system, rather than a paper-based version at each voting centre
- the Committee specified that campaigners should not have to indicate whom they are campaigning for
- the Committee recommended that the system be set up through legislation and be mandatory.

The implementation of the campaigner registration program by the VEC was not well received by all parties. On 28 January 2025, the State Director of the Liberal Party at that time, Stuart Smith, wrote to the VEC expressing the Liberal Party's concerns and lack of support for the initiative.<sup>37</sup> In the email, the Liberal Party objected to this initiative, stating the following:

We object to the Commission's proposal to risk the privacy of unpaid volunteers, many of them who do not want their personal details entered onto a government database, to solve a problem that does not exist.

We strongly object to the Commission's proposal to inadvertently publicly identify (by lack of wrist-band) any of our volunteers who refuse to register their personal details in a government database.<sup>38</sup>

The concerns expressed before the elections were reiterated after the election by Mr Smith<sup>39</sup> and by the elected Liberal member, Rachel Westaway MP, in the Committee's public hearings. In particular, Ms Westaway noted her criticism of the trial and the way the VEC ran it based on the experience in Prahran District:

<sup>36</sup> Australian Labor Party, *Submission 8*, p. 2.

<sup>37</sup> Victorian Electoral Commission, response to questions on notice received 13 June 2025, p. 42.

<sup>38</sup> Victorian Electoral Commission, response to questions on notice received 13 June 2025, p. 42.

<sup>39</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 19.

It was supposed to be a voluntary registration; it did not appear voluntary from my perspective. The Liberal Party, any party, had a right to say, 'No, we don't want to participate in it,' because they are volunteers at the end of the day, and it does not matter what party you belong to, your volunteers are out to help a candidate or the party or both, and they did not want to put their personal details down and they should not have to, given that this was a trial. It was clearly frowned upon by the VEC staff when they went around with their clipboard asking for people's details – that was my impression.<sup>40</sup>

She also expressed concern about the trial's objectives, the handling of data and privacy protections.<sup>41</sup>

Other parties welcomed the initiative and found it a successful trial that needs to be strengthened and better enforced in the 2026 general election. Jessica Wheelock from the Greens wanted to make registration compulsory:

One of our recommendations was to make the voluntary campaigner registration scheme compulsory and to have a code of conduct that is enforceable, and so I guess there are mechanisms like that where, if someone breaches a code of conduct that is clearly laid out, then that means that they can have those rights to volunteer on the booth taken away. That is one pathway that you could go down.<sup>42</sup>

Steve Staikos from the Labor Party similarly argued that 'registering volunteers really should go hand in hand with a code of conduct'.<sup>43</sup> These ideas get back to the Committee's intention of campaigner registration as a way to tackle poor behaviour rather than as a way to meet occupational health and safety obligations.

The West Party Inc. also supported the initiative<sup>44</sup> and the Labor Party endorsed the VEC's intention, though it considered that there was room for improvement and a need for clarification on some points.<sup>45</sup> Steve Staikos from the Labor Party stated:

we acknowledge the VEC's efforts to improve safety through the campaign registration trial, and as a party, we supported the trial and instructed all Labor volunteers to participate ... While the intent is sound and we support the recommendation from the review of the 2022 state election, I think that the process does need improvement and that we should take the learnings from the by-elections and further implementation for the 2026 state election. But I would recommend that we require that volunteers disclose on the form whom they are campaigning for or even be required to provide written

<sup>40</sup> Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 3. See also Rachel Westaway MP, *Submission 6*, p. 11.

<sup>41</sup> Rachel Westaway MP, *Submission 6*, p. 11; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 2.

<sup>42</sup> Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 26. See also Australian Greens Victoria, *Submission 4*, p. 5.

<sup>43</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>44</sup> The West Party Inc., *Submission 2*, p. 3.

<sup>45</sup> Australian Labor Party, *Submission 8*, p. 2.

authorisation from the political party, the candidate or the third-party campaign entity, which simply helps resolve any issues, as things can get escalated on the day to the appropriate senior campaign manager et cetera who has organised those campaigns.<sup>46</sup>

The issue of personal data collection and privacy concerns represents the most critical aspect moving forward with the program. Some political parties are in favour of collecting party affiliations, while others are completely against it. Furthermore, the issue of data storage and the use of campaigners' personal data was a concern for some stakeholders.

The VEC recognised the importance of privacy and conducted a privacy impact assessment before the trial. The VEC explained to the Committee:

Completed forms were stored securely and returned to our head office. There is no further use of the forms collected from these by-elections. They will be retained securely and destroyed after the appropriate destruction period, in accordance with Public Record Office Victoria standards and the relevant retention and disposal authority.<sup>47</sup>

When asked about the issue of privacy and confidentiality of the data collected by the VEC, Mr Staikos stated that:

We currently have a system where scrutineers are required to give their name and their enrolment address in order to enter the booth and scrutineer on behalf of a candidate. I think that the VEC has proven that the confidentiality of those details can be maintained. I personally think that a paper-based system would be more – well, I do not know about being more secure, but it is a tried and tested system and a system that the VEC are working with at the moment. If there is an app, I am sure that data security can be maintained, and we would be happy to engage with the VEC on the development of the app. But as I said, I personally support the recommendation, and our volunteers found it generally quite easy to register and then get on with their little wristband and be compliant with that requirement, even if it was voluntary.<sup>48</sup>

In its initial recommendation, the Committee indicated that the registry should be legislated. If legislated, political parties would have been able to discuss the complexity of the program and agree on the scope of it, together with rules for the use and storage of the data.

The Committee is also concerned about the recording of campaigners' political party affiliations. The Committee specifically recommended against doing this previously and it is not clear why the VEC chose to collect this information. Much of the VEC's justification for the trial was managing occupational health and safety obligations. It is not clear how political party affiliation would assist with that. Moreover, campaigners

<sup>46</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 28.

<sup>47</sup> Victorian Electoral Commission, *Submission 3*, p. 34.

<sup>48</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 29–30.

outside voting centres generally make their political affiliation obvious, so it should be possible for the VEC to contact a party about a campaigner if required without a record of political affiliations in writing.

The use of a paper-based process also limits the effectiveness of the registration system. Part of the Committee's reasoning for registration was that, if a campaigner behaved inappropriately at one voting centre and was removed from the centre by the VEC, staff at other voting centres would be aware that that had happened if the campaigner went to another voting centre.<sup>49</sup> It is not clear that this could be achieved with the VEC's paper-based version.

The VEC recognised some of the problems with its trial:

Evaluation of the campaigner registration trial found high awareness but low uptake among candidates and registered political parties. Opposition to the paper-based process, unclear purpose and administrative burden were key factors in the negative feedback received.<sup>50</sup>

However, the VEC has committed to continuing campaigner registration at the 2026 state election.<sup>51</sup>

Given the issues set out above, the Committee believes that the registration of campaigners needs further consideration and would be more appropriate if it came through legislation passed by the Parliament. This would provide an opportunity for concerns to be debated by members of different political parties and for clear rules to be established about what data should be collected and how it should be protected. The Committee therefore reiterates the recommendation it made in the Inquiry into the conduct of the 2022 Victorian state election.

**FINDING 16:** The VEC conducted a trial of a campaigner registration system at the by-elections, which asked all campaigners at voting centres to record their details on paper forms with the VEC. Although the Committee previously recommended campaigner registration, the trial conducted by the VEC was different to the Committee's recommendation in several ways and, in part, had a different intent. In particular, the VEC collected information about the party, candidate or group that each person was campaigning for, despite the Committee specifically recommending against that.

**FINDING 17:** The VEC's campaigner registration trial received mixed reviews from political parties due to the way it was implemented, concerns about the collection of personal data and data privacy issues.

<sup>49</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 41.

<sup>50</sup> Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 67 (see also p. 92).

<sup>51</sup> Victorian Electoral Commission, *Strategic service plan*, Melbourne, 2025, p. 22; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 100.

**RECOMMENDATION 7:** That the Government introduce legislation to establish a legal framework for campaigner registration at voting centres, as previously recommended by the Committee in its report on the 2022 Victorian state election.

### 3.5 Electronic roll mark-off

During the inquiry into the 2022 state election, one of the most concerning issues related to shortages of ballot papers at voting centres. To address this, the VEC proposed the use of electronic roll mark-off at voting centres. This would enable the VEC's head office to see how many people are voting at each voting centre in real time and to identify low levels of ballot papers before they run out.<sup>52</sup> Electronic roll mark-off would also provide additional benefits, such as reducing multiple voting and managing queue times.<sup>53</sup>

The VEC used electronic roll-mark off for early voting at the 2022 general election, and has now successfully trialled using electronic roll mark-off for all voting at the 2023 Narracan District supplementary election, the 2023 Warrandyte and Mulgrave by-elections and the 2025 Prahran and Werribee by-elections.<sup>54</sup>

Electronic roll mark-off was used in early voting centres and election-day voting centres. In relation to election-day voting, the VEC indicated that, 'This technology improves voting efficiency and enables us to track votes issued and ballot papers used in real time.'<sup>55</sup> In addition, this technology allowed VEC staff to identify voters who had been issued with a postal vote but who also turned up to vote in person. The system then allowed the cancellation of the postal vote, so that it could be rejected if the voter posted it in after having voted in person.<sup>56</sup> The Committee was pleased to see that there were no cases of apparent multiple voting at the 2025 by-elections, which the VEC attributed to the use of electronic roll mark-off.<sup>57</sup>

Based on the evidence provided by the VEC, the Committee welcomes the successful implementation of the electronic roll mark-off and the intent of the VEC in investing in, developing and implementing this technology. The Committee has previously recommended that it be rolled out at all voting centres. The VEC has indicated that it is gradually increasing the use of electronic roll mark-off across future elections.<sup>58</sup>

<sup>52</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 224.

<sup>53</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 166; Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 31.

<sup>54</sup> Victorian Electoral Commission, *Report to Parliament: 2022 Victorian State election and 2023 Narracan District supplementary election*, Melbourne, 2023, pp. 59, 107; Victorian Electoral Commission, *Report to Parliament: 2023 Warrandyte District by-election*, Melbourne, 2024, p. 23; Victorian Electoral Commission, *Report to Parliament: 2023 Mulgrave District by-election*, Melbourne, 2024, p. 30; Victorian Electoral Commission, *Submission 3*, p. 64.

<sup>55</sup> Victorian Electoral Commission, *Submission 3*, pp. 39–40.

<sup>56</sup> Victorian Electoral Commission, *Submission 3*, p. 37.

<sup>57</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, correspondence, 13 June 2025, p. 7; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 80.

<sup>58</sup> Parliament of Victoria, Electoral Matters Committee, *Ballot paper shortages at the 2022 Victorian state election*, May 2025, p. 6.

The Committee encourages the VEC to use of electronic roll mark-off as much as possible at the 2026 state election.

**FINDING 18:** The implementation of electronic roll mark-off at the by-elections helped the work of VEC staff at voting centres, allowing real-time visibility of ballot paper consumption to reduce the risk of ballot paper shortages and providing an additional safeguard against accidental or intentional multiple voting.

# Chapter 4

## The Victorian Electoral Commission's delivery of the by-elections

### 4.1 Introduction

This chapter focuses on the delivery of the by-elections by the Victorian Electoral Commission (VEC). The scope of this chapter is to review existing and new processes implemented by the VEC to understand its performance and identify areas where improvement is needed.

Stakeholders raised concerns about several issues, which are explored in this chapter:

- communication difficulties between the VEC, candidates and parties (see Section 4.2)
- the venues selected as early and election-day voting centres (see Section 4.3)
- the impartiality of VEC staff at voting centres (see Section 4.4)
- irregular processes with ballot paper counting (see Section 4.5).

It should be noted that the Committee was already familiar with most of these issues from previous inquiries. The Committee made recommendations in the past on most of these matters. The Committee reiterates its call in Chapter 1 for the Government to act on the Committee's previous recommendations.

### 4.2 Communicating with candidates and parties

During the Inquiry, stakeholders identified issues related to communication between the VEC and candidates and political parties. The VEC provided information to candidates and parties through a variety of channels, including briefings, bulletins to candidates, circulars to parties and information kits.<sup>1</sup> However, the Committee was told that there were problems with responses to queries and inconsistent communication about the campaigner registration trial.

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<sup>1</sup> Victorian Electoral Commission, *Submission 3*, p. 29.

Issues have been identified with the VEC's communication with candidates and parties in the past.<sup>2</sup> For this reason, the Committee made the following recommendation in 2024:

That the VEC review and improve its information products and communication processes for candidates and parties prior to the next election. This should include incorporating feedback from candidates and parties.<sup>3</sup>

The VEC supported this recommendation and committed to reviewing its candidate and party information products before the 2026 general election.<sup>4</sup>

Nonetheless, there were still problems with communication with candidates and parties at the 2025 by-elections. In its submission, the Labor Party said that there was a need for more timely publication of vote counting times, counting locations and scrutineer access procedures.<sup>5</sup> The party also stated that it encountered difficulties receiving timely responses from the VEC to requests for clarification on topics like voting procedures, logistics, and scrutineering arrangements.<sup>6</sup> The Labor Party also criticised the approach used by the VEC in responding to queries, stating that the VEC often replied with a generic answer without addressing the matter of concern with a tailored answer.<sup>7</sup>

An independent investigation by the VEC also found that there were some areas where important information about vote counting procedures was not provided to parties and candidates.<sup>8</sup>

According to Steve Staikos from the Labor Party, communication improved after he was able to establish a direct connection with a senior member of the VEC:

I think it did take several days for us to have good communication, particularly once I established a line of communication directly to senior management within the VEC. The local returning officer ordinarily would be a point of contact for the local campaigns. But I think with by-elections, and particularly given state campaign directors or state secretaries are involved so closely with those by-elections, there does need to be a senior level of communication – which was established, and that did work well for the duration of the campaign.<sup>9</sup>

<sup>2</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 276–8.

<sup>3</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 278, Recommendation 68.

<sup>4</sup> Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 67.

<sup>5</sup> Victorian Labor, *Submission 8*, p. 4.

<sup>6</sup> Victorian Labor, *Submission 8*, p. 3. See also Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>7</sup> Victorian Labor, *Submission 8*, p. 3.

<sup>8</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 12 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>9</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 30.

Other concerns were raised regarding communication about the campaigner registration trial (see Section 3.4 in Chapter 3). Stuart Smith from the Liberal Party stated that the timing and the content of the communication to parties were questionable, and the response the Liberal Party received was confused:

The concern we really had about this was that we were told in I think December of last year that there was going to be a trial. Obviously, we were told at the time it would be a voluntary trial, and that was just before Christmas. But at 4:20 pm on the Friday before early voting started – which was 4:20 pm before the Australia Day long weekend, so quite literally there was only one business day in between when they put this communication out and when early voting started – they sent out a circular for Prahran, the VEC did, and quite literally the circular said ‘the VEC requires all campaigners to register’. So that came out, you know, the Friday before a long weekend. The Tuesday after the long weekend, I wrote to the commissioner expressing concerns about that, and I just kept getting sort of shifting responses and confused communication. We received reports afterwards that it was compulsory.<sup>10</sup>

The VEC supplied a copy of the Prahran circular to the Committee. As noted by Mr Smith, the circular states, ‘the VEC requires all campaigners to register their attendance when campaigning at all early or election day voting centres.’<sup>11</sup> This contrasts with earlier communication from the VEC which stated that campaigners will be ‘requested to complete a paper registration form’<sup>12</sup> or ‘asked to complete a form’.<sup>13</sup>

While the campaigner registration trial is discussed in detail in Chapter 3, it should be noted that the lack of clear communication between the VEC and political parties/candidates generated confusion.

Prior to the 2026 state election, it will be important for the VEC to review its processes for communicating with parties and candidates to ensure that communication is timely, clear and accurate.

**FINDING 19:** Political parties indicated that they struggled to receive timely and detailed responses to queries from the VEC. In some cases, the Committee was told that generic responses were offered that did not provide clarification on specific matters. Inconsistent information was circulated to parties and candidates regarding the campaigner registration trial. The VEC has indicated that it is working on these issues.

<sup>10</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 18.

<sup>11</sup> *RPP Circular #3* (24 January 2025); *Candidate bulletin—2* (24 January 2025)—Victorian Electoral Commission, response to questions on notice received 13 June 2025, pp. 26, 29.

<sup>12</sup> Correspondence to parties of 10 December 2024; *2025 Prahran District by-election service plan* (20 December 2024)—Victorian Electoral Commission, response to questions on notice received 13 June 2025, pp. 5, 8.

<sup>13</sup> *RPP Circular #2* (17 January 2025); *Candidate bulletin—1* (17 January 2025)—Victorian Electoral Commission, response to questions on notice received 13 June 2025, pp. 17, 21.

**RECOMMENDATION 8:** That, in reviewing its communication products and processes, the Victorian Electoral Commission consider the evidence presented to this Committee regarding problems experienced by candidates and parties.

## 4.3 Venue choices for early and election-day voting centres

The venue choices for early voting and election day were criticised during this Inquiry. Some venues were considered inappropriate due to poor accessibility. Several incidents occurred as a result of unsuitable locations. Furthermore, facilities such as toilets and shelter were not provided for campaigners. Similar problems with venue choices have been noted at previous elections as well.<sup>14</sup>

When these issues were raised by the Committee with the VEC at public hearings, the Electoral Commissioner explained that the VEC has limited options when it comes to venue selections for by-elections:

we are always at the mercy of what a market can provide, in the case of by-elections at very, very short notice. We take all of those matters into account in how we select and manage our venues. That is sometimes misunderstood – the extent to which we do that. We cannot always meet all of those requirements.<sup>15</sup>

While the VEC has more time to organise venue selection for a general election, by-elections can occur at any time during the parliamentary term with limited advance notice.

The Committee acknowledges the difficulties in identifying adequate venues within a short timeframe. However, the evidence collected during this Inquiry indicates that some venues for the by-elections were not suitable. The Committee has previously recommended that the VEC should be able to use any government-funded venues (such as some local council facilities). While this is more complicated in the case of by-elections, the Committee continues to believe that this should be implemented for general elections.

### 4.3.1 Accessibility issues

Several stakeholders raised concerns about the accessibility of the early and election-day voting centres. Issues with venues were reported in both Prahran and Werribee Districts. In Prahran, Rachel Westaway MP noted the limited pedestrian infrastructure for the early voting centres:

with both pre-poll locations presenting serious accessibility and safety issues. The South Yarra location in particular was really problematic. It was very hard to navigate the

<sup>14</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 68–70, 112, 283–5.

<sup>15</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 34.

roadworks that were going on at the time, and it had limited pedestrian infrastructure. It culminated in a Liberal Party volunteer being struck by a vehicle ... This incident occurred because VEC proximity guidelines force volunteers onto roadways rather than available footpaths.<sup>16</sup>

The Victorian Trades Hall Council similarly noted problems with the other early voting centre in Prahran District:

one of our volunteers received feedback from voters that the footpath was 'extremely narrow.' This not only made for tightly packed queues and led to accessibility issues for voters, but also for other pedestrians and wheelchair users who were not voting.<sup>17</sup>

In Werribee, the Greens also flagged problems with the venue selection, with, in some cases, limited or non-existent accessibility for people in wheelchairs:

The VEC has a really unenviable job of trying to find a large number of venues in a short period of time that are able to accommodate lots of voters. But there is obviously a lot of work that can be done to ensure that those venues are accessible. One of the situations that came up for us – I think it was the Werribee Scout hall – was where the venue itself was listed as accessible, and being able to get in the door of the venue and navigate the venue was something that a person in a wheelchair, for example, would be able to do. But in order to actually get to the entrance, they had to traverse down a gravel path to get access to the building, and that, for a wheelchair user, is just not always practical or able to be done.<sup>18</sup>

The location of venues near big roads represented a challenge for voters. According to the Victorian Trades Hall Council, one of the early voting centres in Werribee created many difficulties for voters:

Some of our volunteers who were stationed at 22 Princess Highway, Werribee, for pre poll received feedback from voters about the location: given the venue was stationed directly off the highway, voters were dissatisfied by their ability to access the venue by car, especially during peak hours. Long car queues waiting to get into the centre caused a traffic backlog on the highway which then spilled onto the carpark of the voting centre, making both entering and exiting by car difficult. This has knock on effects for voters with accessibility considerations.<sup>19</sup>

<sup>16</sup> Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 1. See further details in Rachel Westaway MP, *Submission 6*, p. 8; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 4.

<sup>17</sup> Victorian Trades Hall Council, *Submission 7*, p. 7.

<sup>18</sup> Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 22. See also Australian Greens Victoria, *Submission 4*, p. 4.

<sup>19</sup> Victorian Trades Hall Council, *Submission 7*, p. 6. See also The West Party Inc., *Submission 2*, p. 2; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 11.

Concerns were similarly raised about limited or difficult parking in Prahran District.<sup>20</sup> Ms Westaway told the Committee that a delivery driver was struck in one of the early voting centres by a car trying to park.<sup>21</sup>

In addition, Ms Westaway considered that the early voting centres in Prahran District were difficult to find, with poor signage to guide voters.<sup>22</sup>

### 4.3.2 Specific incidents

Two specific incidents were reported which raised questions about the suitability and safety of the venues selected by the VEC.

#### **Collapsed ceiling panel in Werribee District**

One incident at a venue in Werribee District involved a leaking ceiling due to a faulty air conditioner. This caused a ceiling panel to collapse during vote counting. Steve Staikos from the Labor Party said:

This [incident] did risk ballot paper integrity. I have evidence that the ballot papers did have to be moved prior to the roof panel falling through. This could happen in any venue, but the incident itself underscores the need for careful venue selection and also engagement with volunteers and scrutineers and the VEC as these concerns are raised.<sup>23</sup>

The VEC acknowledged the issue in their submission to this Inquiry. According to the VEC, the leak was detected and repaired a couple of days before election day. However, the leak reappeared after 6 pm on election day, causing a ceiling panel to fall.<sup>24</sup>

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<sup>20</sup> Rachel Westaway MP, *Submission 6*, p. 8; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 3.

<sup>21</sup> Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 3.

<sup>22</sup> Rachel Westaway MP, *Submission 6*, p. 7; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 2, 6.

<sup>23</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>24</sup> Victorian Electoral Commission, *Submission 3*, p. 23.

Figure 4.1 Damage to the ceiling at the Werribee District Election Office



Source: Victorian Electoral Commission, *Submission 3*, p. 23.

### Injury outside a voting centre in Prahran District

Another incident linked to a problematic venue was reported in Prahran District, where a Liberal Party campaigner was struck by a car at the South Yarra early voting centre. According to Rachel Westaway MP, the campaigner was forced to move onto the road at the end of Wilson Street in Prahran due to the VEC not allowing campaigners to stand on the narrow section of footpath outside the voting centre.<sup>25</sup> The VEC told the Committee that it was because the campaigner 'stepped backwards off the footpath onto the road, coming into contact with a slow-moving vehicle.'<sup>26</sup>

<sup>25</sup> Rachel Westaway MP, *Submission 6*, p. 10; Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 1.

<sup>26</sup> Victorian Electoral Commission, *Submission 3*, p. 35. See also Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 67.

The choice of the venue was described by the local member Rachel Westaway MP as an inappropriate early voting location:

The South Yarra pre-polling centre based on my years of experience, was possibly the worst ever pre-poll location I have witnessed and experienced. Beyond the points raised above, (and the car park adjacent to it also wasn't accessible), there was ongoing road works and repeated heavy vehicles in very close proximity to both voters and candidate volunteers during the conduct of pre-poll.

In addition, the ridiculous instructions of VEC officials who said candidate volunteers could not stand on the tiny footpath as they believed it was too close to the entrance of the pre-poll entrance. However, no line or indication of where the 'no-go zone' extended to was ever given, nor practical solutions sought.

Volunteers could instead stand on the road in vicinity of the pre poll booth entrance, but at great distance away from the entrance. However, they could also stand on the small access road around the corner (which had no discernible footpath), despite ongoing road and infrastructure works being conducted there.

Any voter accessing the pre-poll needed to walk on the roadway, interfacing directly with both vehicle traffic and ongoing, conducted road works.<sup>27</sup>

The incident in Prahran District further highlights the importance of selecting appropriate venues for voting centres, including consideration of the needs of campaigners.

### 4.3.3 No facilities for campaigners

Another issue reported by parties was the lack of essential facilities for campaigners, such as shelters, toilets and access to a tap for water.<sup>28</sup> The Liberal Party also called for the ability to store equipment overnight at early voting centres.<sup>29</sup> Steve Staikos from the Labor Party told the Committee:

one of the things that I did raise is that polling venues should also provide facilities for volunteers, and this was particularly challenging for the pre-poll centres in Werribee. Cast your minds back to January, February and the extreme weather that we had – we needed to have closer toilet facilities than were made available. Our volunteers were instructed to use public toilets, which were a significant walk away from the facility. I think that in the past, toilet facilities have been made available to volunteers.<sup>30</sup>

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<sup>27</sup> Rachel Westaway MP, *Submission 6*, p. 8.

<sup>28</sup> The West Party Inc., *Submission 2*, p. 2; Liberal Party of Australia, Victoria Division, *Submission 5*, p. 4; Australian Labor Party, *Submission 8*, p. 3; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>29</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 4.

<sup>30</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

Similar concerns were raised by the West Party regarding the lack of shelter at the Scout Hall at Werribee.<sup>31</sup>

The Electoral Commissioner told the Committee that facilities for campaigners are a consideration when selecting venues, but the VEC is limited to what is available.<sup>32</sup> Ben Sutherland, Director of Event Strategy and Delivery at the VEC, elaborated:

As you can appreciate, with the limit of only the commercial market mainly and that Christmas period, we are put into a position where we have to take what is available, as distinct from what would be premium product in that circumstance. In this circumstance, I appreciate also the operational set-up of the site precluded the use of amenities by campaigners. But understand, when we consider the use of the site it is one of our considerations, but along with that we need to understand what ballot paper security looks like and operational throughput, because of course the thing we would not want to do is create a set-up that would increase lines and delay the issuing process. The other matter that we of course consider is ensuring that we are aware of what public amenities are available proximate to the actual site itself so that we can brief those campaigners.<sup>33</sup>

In its submission, the VEC described amenities for campaigners as 'non-essential criteria', explaining that:

Where viable venues are available at equivalent prices, we may consider additional amenities to help us select the best option. However, due to the tight property market conditions and strict drivers of essential criteria, such amenities have historically been difficult to source.<sup>34</sup>

The Liberal Party noted the inconsistency between the VEC wanting to register campaigners because it believes it has occupational health and safety obligations towards them (see Section 3.4 in Chapter 3) and its failure to provide essential amenities for campaigners.<sup>35</sup>

The Committee considers that campaigners are an integral part of voting in Victoria and would like to see their needs given higher priority in the future. This point has been made by the Committee in previous inquiries as well.<sup>36</sup>

<sup>31</sup> Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 11.

<sup>32</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 34.

<sup>33</sup> Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 35.

<sup>34</sup> Victorian Electoral Commission, *Submission 3*, p. 24.

<sup>35</sup> Liberal Party, *Submission 5*, p. 4; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 17.

<sup>36</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 285; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the 2018 Victorian state election*, August 2020, p. 178.

#### 4.3.4 Improving venue selection in the future

The VEC received feedback about the suitability of the venues used as voting centres throughout the by-election period,<sup>37</sup> but has noted the challenges of finding suitable venues, especially for by-elections.<sup>38</sup> To provide for a wider range of venues, the VEC recommended that publicly funded venues should be available for use as early voting centres:

Access to these venues, such as community facilities owned and operated by local councils, would boost our ability to secure quality venues which meet the community's needs and expectations.<sup>39</sup>

This same recommendation was made by the VEC after the 2022 general election, where the VEC also struggled to find suitable venues. The VEC noted that legislation gives the VEC the power to compulsorily access publicly funded buildings for election-day voting centres but not for early voting centres. The Committee supported extending this power to the early voting period.<sup>40</sup> The Government supported this recommendation in principle, indicating that it 'will consult with the VEC and local councils to understand the operational impacts of this recommendation.'<sup>41</sup> No new legislation has been introduced into the Parliament to date.

The Committee continues to believe that this would be a good idea for general elections. However, extending this provision to by-elections may be problematic. The dates of general elections are set and arrangements for venues can be made years in advance. However, by-elections take place on a shorter timeframe. It may not be practical for the VEC to compulsorily access a venue at short notice, when that venue has been booked for other activities. The Committee considers that further discussions with local councils on this matter may be helpful to identify if there is a way to make more council facilities available for by-elections.

**FINDING 20:** A number of voting centres had limited accessibility for voters, including limited parking, narrow footpaths and inadequate facilities for wheelchair users. Moreover, the locations of some voting centres led to risks for the safety of campaigners and voters outside them.

**FINDING 21:** Some voting centres did not provide basic facilities for campaigners, including toilets, water and shelter to protect them from weather conditions.

<sup>37</sup> Victorian Electoral Commission, *Submission 3*, pp. 22–4.

<sup>38</sup> Sven Bluemmel, Electoral Commissioner, and Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 34–5; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 41.

<sup>39</sup> Victorian Electoral Commission, *Submission 3*, p. 22. See also Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, pp. 41–2.

<sup>40</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 68–71.

<sup>41</sup> Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 6 February 2025, p. 6.

**FINDING 22:** Because of the difficulties in securing suitable venues, the VEC has proposed changes allowing it to compulsorily use publicly funded buildings (such as certain council facilities) as early voting centres, which may help with finding more suitable venues at future elections. The Committee supports this for general elections, where arrangements can be made years in advance, but considers that there may be issues with allowing the VEC to compulsorily access publicly funded buildings for by-elections, which have much shorter timelines.

## 4.4 Impartiality of staff at voting centres

Political parties reported several incidents of VEC staff not being impartial. In addition, the VEC noted a further incident where ‘an election official was overheard making comments which were not impartial’, which was reported by a staff member.<sup>42</sup>

### 4.4.1 A staff member encouraging people to vote for the Liberal Party

On election day, one VEC staff member was reported to be actively telling people to vote for the Liberal Party and engaging with Liberal Party campaigners at the voting centre. This incident was reported in the media as a matter of concern.<sup>43</sup>

According to the Labor Party in its submission, a VEC official was encouraging people to vote for the Liberal Party:

Multiple Labor volunteers observed a VEC official, identified by their name tag and wearing a VEC vest, engaging in behaviour that suggested a lack of impartiality at the Manor Lakes P-12 College voting centre on election day.

Allegations we have made to the VEC include that the staff member made verbal expressions of support for the Liberal Party, encouraging voters to vote Liberal, and interactions with senior Liberal figures, including former Premier Jeff Kennett. Particularly troubling was the confiscation of Trades Hall how-to-vote cards — issued by a registered third-party campaigner — on what appeared to be improper grounds.<sup>44</sup>

This version of events was generally accepted by the VEC, which told the Committee that the staff members’ comments ‘included words to the effect of “Go Liberal” and “I vote Liberal”’.<sup>45</sup> However, the Liberal Party suggested a different version of events, in which the staff member simply phrased a response to a voter awkwardly.<sup>46</sup>

<sup>42</sup> Victorian Electoral Commission, *Submission 3*, p. 28; Keegan Bartlett, Director, Electoral Integrity and Regulation, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 41.

<sup>43</sup> See, for example, Chip Le Grand and Rachel Eddie, ‘Werribee voters face long wait for byelection result in cliffhanger count’, *The Age*, 9 February 2025, <<https://www.theage.com.au/politics/victoria/werribee-voters-face-long-wait-for-byelection-result-in-cliffhanger-count-20250209-p5laq1.html>> accessed 31 October 2025; Chip Le Grand, ‘Push for review into shambolic Werribee byelection count’, *The Sydney Morning Herald*, 9 February 2025, <<https://www.smh.com.au/politics/victoria/push-for-review-into-shambolic-werribee-byelection-count-20250209-p5lapb.html>> accessed 31 October 2025.

<sup>44</sup> Victorian Labor, *Submission 8*, p. 1. See also Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 28.

<sup>45</sup> Victorian Electoral Commission, *Submission 3*, p. 27.

<sup>46</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 9.

Ultimately, the VEC decided to remove the staff member from the voting centre. The VEC explained:

Once our head office had reviewed the matter, we arranged for the election official to be directed to leave the voting centre. We received confirmation that the election official had left the location by 12:30 pm and therefore had no opportunity to influence the counting of votes. We have subsequently commenced the process of removing the individual from the opportunity for future appointment. Our response to this matter was consistent with our policies and procedures, and our strong commitment to preserving our actual and perceived independence and impartiality.<sup>47</sup>

#### 4.4.2 Negative comments about the Liberal Party's signage

Another issue related to the impartiality of the VEC staff was reported by the Liberal Party. Stuart Smith explained:

We raised a number of our concerns about impartiality of VEC officials in Prahran in particular on election day. We made a complaint about two polling place managers at two polling booths because of comments that they had been making publicly, critical comments about some of the Liberal Party's messaging.<sup>48</sup>

Mr Smith stated that, despite criticising the Liberal Party's messaging, VEC staff did not criticise similar messaging from other candidates or parties.<sup>49</sup> He reported that, after raising the concerns with the VEC:

Instead of an apology for clearly inappropriate comments made by VEC officials, without ever raising this with us, we had an admission from the VEC that all of our signage was correctly authorised. We had an admission from the VEC that we had the right number of posters. They just did not like what was written on it, and then they decided that they wanted to say that they believed it was misleading and that they believed that there should be some change to the Act.<sup>50</sup>

The Liberal Party also considered that these complaints did not seem to be treated as seriously as the Labor Party's complaint discussed in Section 4.4.1.<sup>51</sup>

The VEC explained that:

While the [Liberal Party's] sign was compliant with the Electoral Act, it caused some confusion among voting centre managers responsible for monitoring compliance with

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<sup>47</sup> Victorian Electoral Commission, *Submission 3*, p. 27.

<sup>48</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 16. See also Liberal Party of Australia, Victoria Division, *Submission 5*, p. 9.

<sup>49</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 16.

<sup>50</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 16.

<sup>51</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, pp. 9–10; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 18.

signage rules and it was not immediately and visually attributable to a particular candidate or political party.<sup>52</sup>

Regarding the Liberal Party's complaints, the VEC told the Committee:

The first complaint concerned a voting centre manager who made a comment to a campaigner for the Liberal Party to the effect that they considered the sign to be 'inappropriate'. We recognise that this choice of words can undermine confidence in our impartiality. The election official acknowledged their choice of words was unsuitable and the VEC subsequently apologised directly to the Liberal Party's registered officer.

The second complaint alleged that a voting centre manager took photos of the sign in question while expressing concerns about it. Our review confirmed that the election official did not comment on the sign's contents or appropriateness. The election official had sought clarification from a campaigner for the Liberal Party regarding its authorisation and photographed the sign—along with unrelated signs displayed for another candidate—to verify with the election manager that it was appropriately authorised and within the signage allocation. We have found that the election official appropriately followed protocol by checking that the sign was permitted to be displayed, given it was not immediately apparent to them whether it was compliant with the Electoral Act.<sup>53</sup>

Stuart Smith from the Liberal Party did not accept the VEC's version of events relating to the second complaint.<sup>54</sup>

#### 4.4.3 Improving training to reinforce the need for impartiality

There are several measures that the VEC takes to reduce the risk of people not behaving impartially. These include vetting people before employment, providing training and setting up processes to contain problems if they occur.<sup>55</sup> The VEC is adjusting these processes to reduce the risk of problems with impartiality occurring at future elections.

Ben Sutherland from the VEC explained that changes were being made to hiring processes:

we are deploying a significant uplift in the way that we interview, assess and appoint our election officials, to the extent where we are utilising national police record checks, working with children checks, psychometric testing and agreed targeted questioning to allocate people to identified roles. This is a significant change to how we have operated in the past and it is a big investment from us.<sup>56</sup>

<sup>52</sup> Victorian Electoral Commission, *Submission 3*, p. 28.

<sup>53</sup> Victorian Electoral Commission, *Submission 3*, p. 28.

<sup>54</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 16.

<sup>55</sup> Sven Bluemmel, Electoral Commissioner, and Keegan Bartlett, Director, Electoral Integrity and Regulation, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 41.

<sup>56</sup> Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 42.

The VEC has also acknowledged that improving the training of VEC staff represents a crucial area to focus on to avoid other incidents similar to these. The VEC has committed to reviewing its training to reinforce the requirement for impartiality.<sup>57</sup> The Electoral Commissioner indicated that he is personally emphasising the importance of impartiality and respect when possible to senior election officers in training:

wherever I can I will attend that training and give opening remarks that just remind everyone about why they are here, about why their conduct reflects not just on the VEC but their conduct reflects on democracy in Victoria, and there can be nothing more important than that in terms of what we are talking about. So that issue of impartiality, of respect, of treating fellow human beings with care is absolutely central to our message.<sup>58</sup>

The VEC will also offer additional training resulting from its new hiring processes.<sup>59</sup>

The Committee welcomes these changes. As discussed in Section 1.3.2 of Chapter 1, the Committee has repeatedly identified the need for training materials to be improved in the past and the VEC has indicated that it is reviewing its materials. The Committee is pleased to see that the need for impartiality will be emphasised as part of that review.

**FINDING 23:** The behaviour of some voting centre staff at the 2025 by-elections did not match the expected standards of impartiality and integrity. This behaviour included inappropriate comments about party signage and actively encouraging people to vote for a particular party. The VEC has committed to making changes to its hiring processes and training materials to reduce the risk of such incidents at future elections.

**RECOMMENDATION 9:** That the VEC consider ways to strengthen its vetting processes with respect to the hiring of election staff, to reduce the risk to impartiality in the future.

## 4.5 Ballot scrutiny, counting and results

The last concerns raised by stakeholders in relation to the VEC's delivery of the by-election involved issues with the vote counting and the ability for scrutineers to observe the process.

<sup>57</sup> Victorian Electoral Commission, *Submission 3*, pp. 27–8; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 47.

<sup>58</sup> Sven Bluemmel, Electoral Commissioner, and Keegan Bartlett, Director, Electoral Integrity and Regulation, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 42.

<sup>59</sup> Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 42.

### 4.5.1 Delays in counting and scrutineers locked out in Werribee District

In seven of the 11 voting centres in Werribee District, all staff had a break at 6 pm, with some of them taking a meal break.<sup>60</sup> During the break, at five voting centres (according to the VEC's investigation), scrutineers were either locked out of the voting centre or asked to wait outside.<sup>61</sup> As a result, they did not have a constant view of the ballot boxes.<sup>62</sup>

The Liberal Party noted the importance of scrutineers being able to see the ballot boxes:

It is a basic tenant of electoral integrity that scrutineers representing the candidates should have line of sight access to the ballot boxes from the closing of voting, through the unsealing of the boxes, and the counting of the ballots. In the Werribee by-election this did not always occur.<sup>63</sup>

The VEC's submission to this Inquiry showed the time of the count start and finish for each voting centre. The data provided by the VEC showed delays in all voting centres in Werribee District, with one voting centre not starting counting until 6.55 pm.<sup>64</sup>

This is not the correct process. According to the Electoral Act, the counting of ballot papers should start 'immediately after 6 p.m. on election-day' in the presence of scrutineers.<sup>65</sup> Before election day, candidates and scrutineers were told that counting would begin 'from 6 pm on election day'<sup>66</sup> and were at voting centres at that time ready to begin. As noted by the VEC, there are typically some minor delays, as voters who are in the queue at 6 pm are given an opportunity to vote and various logistical and administrative tasks need to be undertaken before counting can begin.<sup>67</sup> However, delays due to staff breaks and locking out scrutineers are not usual practice.

<sup>60</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 20 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>61</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 21 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6). See also Liberal Party of Australia, Victoria Division, *Submission 5*, p. 5.

<sup>62</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, pp. 5–6.

<sup>63</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 5.

<sup>64</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 19 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>65</sup> *Electoral Act 2002* (Vic), ss. 113(2), 114 (3).

<sup>66</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, pp. 9–10 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>67</sup> Victorian Electoral Commission, *Submission 3*, pp. 43–4; Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 20 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

After the election, the VEC conducted an internal investigation into the incidents. A copy of the report from this investigation was included in the VEC's submission to this Inquiry.<sup>68</sup> In relation to the lockouts, the investigation concluded that:

This practice is not conducive to transparency and may erode public trust in election integrity and the results of the election. It is critical to ensure this does not reoccur at future events.<sup>69</sup>

The investigation found that:

Ambiguity in training material, miscommunication, and misunderstanding of legal obligations may have caused confusion at some voting centres about what to do after the close of voting, including how to handle scrutineers in the time between the close of voting and the commencement of counting.<sup>70</sup>

In particular, the Committee notes that the speakers' notes used for training voting centre managers advised, 'If it's been very busy in the voting centre and it's been a while since everyone had a break, you could give everyone a substantial break at 6 pm.'<sup>71</sup>

The VEC's investigation also identified that there was some ambiguity in the VEC's instructional products about how to manage scrutineers after the close of voting, though nothing to suggest that they should be asked to wait outside.

In addition, the investigation found that political parties and candidates were not provided detailed, targeted information about what to expect for some aspects of election-night counting. The investigation considered that the lack of information likely contributed to concern around the delayed starts and a lack of clarity around what would happen between the close of voting and the start of counting.<sup>72</sup>

Moreover, the investigation acknowledged that the training materials for voting centre managers did not provide guidance on how to manage staff breaks.<sup>73</sup>

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<sup>68</sup> Victorian Electoral Commission, *Submission 3*, Appendix 6 (see also Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>69</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 22 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>70</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 23 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>71</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 49 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>72</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 12 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>73</sup> Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 14 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

The Committee understands that all VEC staff are entitled to a dinner break, but the break should be organised in a way that scrutineers are kept in the room and counting can start as soon as possible after the close of voting.

The Commissioner recognised that the lockouts should not have occurred.<sup>74</sup> He told the Committee, 'There was some ambiguity in the training materials. We have rectified that; anything that is further identified we are in the process of rectifying.'<sup>75</sup>

#### 4.5.2 Other problems with vote counting

There were also other claims about disorganisation in the Werribee by-election count. These included claims that a ballot box was opened without scrutineers present and that ballot papers were poorly managed.

The Liberal Party reported that a ballot box was unsealed, opened and some ballots removed whilst all scrutineers were locked out of the premises at Riverbend Primary School voting centre.<sup>76</sup> During the public hearing, however, the Electoral Commissioner denied that this occurred:

in terms of the breaking of the seal we immediately, on the night, checked with all of the voting centres to see whether any seals had been broken, let alone votes sorted or counted, before scrutineers were present, and our investigation found that neither of those had occurred.<sup>77</sup>

The Deputy Commissioner noted that, 'each voting centre manager personally attested to the fact that seals were not broken [before scrutineers were present]'.<sup>78</sup>

Stuart Smith of the Liberal Party remained of the view that this had occurred, despite the VEC's findings.<sup>79</sup>

The Liberal Party also made several claims about the vote count for the Werribee by-election being disorganised. The party stated that scrutineers of both major parties described the counting of votes at the Werribee early voting centre as 'chaotic'.<sup>80</sup> One scrutineer told the party that 'It was pretty poorly organised and LOTS of challenges,

<sup>74</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 36.

<sup>75</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 36. See also Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 47.

<sup>76</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 6; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 15-16.

<sup>77</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 36. See also Victorian Electoral Commission, *2025 Werribee District by-election: report on election day counting arrangements and events*, Melbourne, 2025, p. 25 (included in Victorian Electoral Commission, *Submission 3*, Appendix 6 and Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, Appendix 6).

<sup>78</sup> Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 36.

<sup>79</sup> Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 15.

<sup>80</sup> Liberal Party of Australia, Victoria Division, *Submission 5*, p. 7.

votes missing, then votes found, then too many votes ... numbers not stacking up ... piles of votes left lying around unattended ...'<sup>81</sup> Another scrutineer also mentioned unattended ballot papers and stated that:

The structure of the room and the way the count was conducted made it nearly impossible to properly scrutinise every vote, particularly in the allocation of preferences. Additionally, the standard of the VEC staff was abysmal.<sup>82</sup>

One Liberal Party official stated that the correct recheck procedures were not followed at Werribee District, including ballot papers being moved around in a disorganised fashion and being counted incorrectly.<sup>83</sup> One scrutineer told the party of ballot papers being taken out of an unsealed box at the back of the room two days after the election.<sup>84</sup>

The Liberal Party stated that delays in the counting of early votes happened:

because of an error resulting in multiple centres being opened and counting together, causing an inability of the VEC officials to correctly reconcile the ballot.<sup>85</sup>

The Labor Party told the Committee that VEC staff did not appropriately respond to the party's concerns about potential damage to ballot papers at the voting centre with a leaking ceiling (see Section 4.3.2). The party stated that they had to raise the matter with senior management before action was taken.<sup>86</sup>

The Electoral Commissioner told the Committee that he would not describe the situation as 'chaotic' but merely 'suboptimal', noting that:

one of the things we have to bear in mind is that both our staff as well as campaigners – by the end of the day when we are converting from a voting centre to essentially the count – some of them have been out there for many, many hours, and yes, that is more taxing when you have hot weather, other environmental factors and so on. We have got to bear this in mind in everything we do: everyone we are dealing with here is a human being, and that includes our staff, permanent and casual, and that includes candidates, their scrutineers, their campaigners and so on.<sup>87</sup>

The Liberal Party concluded that:

While the Liberal Party does not believe that there was any deliberately malicious or inappropriate action taken by VEC staff, the fact that at some times the viewing of the VEC's execution and handling of ballot papers was not provided, could lead to a loss of

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81 Liberal Party of Australia, Victoria Division, *Submission 5*, p. 7.

82 Liberal Party of Australia, Victoria Division, *Submission 5*, pp. 7–8.

83 Liberal Party of Australia, Victoria Division, *Submission 5*, pp. 12–17. See also Victorian Electoral Commission, *Submission 3*, p. 47.

84 Liberal Party of Australia, Victoria Division, *Submission 5*, p. 8.

85 Liberal Party of Australia, Victoria Division, *Submission 5*, p. 7.

86 Victorian Labor, *Submission 8*, p. 3.

87 Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 35.

confidence in the process, and a diminution of trust in the VEC to undertake the basic transparency measures required at an electoral event.<sup>88</sup>

The Committee agrees. As with the delays and exclusion of scrutineers, these issues suggest possible areas for improvements in the VEC's training material and processes.

**FINDING 24:** A number of mistakes were made by VEC staff in managing the counting of votes in several voting centres in Werribee District. These mistakes included delays in the start of counting, with scrutineers locked out of voting centres and not having sight of the ballot boxes at times. The mismanagement of scrutineers at voting centres was due to a lack of accurate training. There were also claims that vote counting processes were disorganised and did not follow correct procedures.

**RECOMMENDATION 10:** That, in reviewing its training materials, the Victorian Electoral Commission consider the evidence presented to this Committee regarding processes and problems experienced by scrutineers.

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88 Liberal Party of Australia, Victoria Division, *Submission 5*, p. 8.



# Chapter 5

## Managing the behaviour of campaigners

### 5.1 Introduction

Poor behaviour at voting centres has been a common issue in past elections. In the inquiry into the 2022 state election, the Committee found that campaigners had behaved in aggressive, harassing and intimidating ways at voting centres, and this type of behaviour appears to have become worse over the years.<sup>1</sup> Moreover, the Committee noted that the current legislation gives the Victorian Electoral Commission (VEC) limited capacity to respond to poor behaviour at voting centres.<sup>2</sup>

In its previous report, the Committee recommended a number of measures to better manage poor behaviour at voting centres. The measures included:

- introducing a code of conduct which can be enforced
- introducing more legislative tools and provisions to address poor behaviour
- introducing campaigner registration at voting centres
- monitoring the behaviour of candidates and campaigners to identify breaches of electoral rules
- limiting the number of active campaigners outside voting centres
- considering whether a body other than the VEC would be better placed to enforce rules.<sup>3</sup>

The Government has not indicated whether it will act on these recommendations, stating that further considerations on these matters are required (see further discussion in Section 1.3.1 of Chapter 1).<sup>4</sup>

This issue of poor behaviour reemerged during the by-elections in Prahran and Werribee. For this reason, the Committee decided to look again at this topic to understand what happened during the by-elections and what should be done.

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<sup>1</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 270.

<sup>2</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 270.

<sup>3</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 30-45.

<sup>4</sup> Government of Victoria, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 6 February 2025, p. 3.

In this chapter, the Committee also considers the current system implemented by the VEC to handle complaints and matters of concern. The Committee considers that improvements could be made to the current processes while awaiting more significant reforms.

The implementation of the campaigner registration trial by the VEC is discussed in Chapter 3 and is not covered again in this chapter (see Section 3.4 for more information).

## 5.2 Campaigners' behaviour outside voting centres

Several stakeholders flagged the issue of poor behaviour by campaigners outside voting centres. This included campaigners harassing other campaigners and voters.

Rachel Westaway MP, the successful candidate in Prahran District, explained:

Volunteers of the Greens candidate at times behaved in a very intimidatory manner. This included standing on the toes of other campaign volunteers handing out HTVs [how-to-vote cards] and using physical intimidation repeatedly standing within the personal space of other volunteers.

Further, repeated baiting of my volunteers, through to verballing voters walking with them along queues, and up until the polling station, around their voting intention.

Their tactics and actions were never picked up or clued onto by the VEC.

There were a number of incidences where illegal electoral material was unfurled near polling booths by opponents. This included climate action protestors adjacent to the Windsor pre-poll location. Their materials had no authorisation. The presentation was known to the Greens. No VEC official ever moved them on.<sup>5</sup>

The Greens also noted frequent verbal and physical harassment by campaigners at the Prahran by-election.<sup>6</sup>

Buzz Billman, an independent candidate for Prahran District, stated that he removed his campaigners from voting centres due to concerns about their safety, citing 'negative and hostile campaigning' from others.<sup>7</sup> Paul Hopper, an independent candidate for Werribee District, noted that voters became distressed about certain behaviours by campaigners:

coming in and being swarmed in some cases – starting to be spoken to 100 metres out from where they were trying to get in to vote and then just being followed and shadowed all the way in. We saw clear examples of people being distressed, quite annoyed and even angry at that, and people swearing at some of those volunteers,

<sup>5</sup> Rachel Westaway MP, *Submission 6*, p. 12.

<sup>6</sup> Australian Greens Victoria, *Submission 4*, p. 5.

<sup>7</sup> Buzz Billman, *Buzz Billman removes volunteers from polling booths due to safety fears*, media release, 7 February 2025. See also Victorian Electoral Commission, *Submission 3*, p. 40.

et cetera, so we think some firm rules around that are absolutely required, and further to that, the VEC staff have the authority and power and backup.<sup>8</sup>

In addition to this strategy of ‘walking and talking’, The West Party Inc. noted that the large numbers of campaigners at voting centres caused distress to some voters.<sup>9</sup> Dr Joe Garra, a member of The West Party Inc., believes that poor behaviour outside voting centres is getting worse based on his experience at three elections.<sup>10</sup>

During the public hearings, suggestions were made on how to fix the problem of poor behaviour by campaigners. Jessica Wheelock from the Greens stated:

I do think that voters should have a way to escalate concerns around harassing behaviour – same for campaigners and for candidates – and that the VEC should have appropriate powers to address those concerns. That was a part of our submission as well, and that related to ensuring that there is compulsory registration of campaigners on the day and making sure that the VEC has explicit powers to address harassment and harassing behaviour.<sup>11</sup>

Candidates Paul Hopper and Rachel Westaway MP called for clearer demarcation of the zone where candidates are not allowed to go,<sup>12</sup> and Dr Garra suggested creating a path for voters where campaigners are not allowed to approach the voters.<sup>13</sup>

The Electoral Commissioner, Sven Bluemmel, stated that the VEC is aware of the recurring issue of poor behaviour, and complaints are increasing.<sup>14</sup> Deputy Commissioner Dana Fleming stated:

poor behaviour is an increasing problem outside voting centres. At the state election, we saw a tripling in complaints about poor behaviour outside voting centres, and in these by-elections, the percentage of complaints in relation to that increased again by nearly 10 per cent. We are seeing it as a continuing, escalating problem outside of voting centres and just an unfortunate change in the nature of the environment.<sup>15</sup>

In total, the VEC received 21 complaints about the conduct of candidates and parties. This does not include an additional seven complaints about authorisation statements on electoral matter.<sup>16</sup>

<sup>8</sup> Paul Hopper, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp 8–9. See also The West Party Inc., *Submission 2*, p. 1.

<sup>9</sup> The West Party Inc., *Submission 2*, p. 2; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 9.

<sup>10</sup> Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 9.

<sup>11</sup> Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 23.

<sup>12</sup> Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 7; Paul Hopper, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 8.

<sup>13</sup> Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 9.

<sup>14</sup> Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 39.

<sup>15</sup> Dana Fleming, Deputy Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 39.

<sup>16</sup> Victorian Electoral Commission, *Submission 3*, p. 54; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 85.

The VEC recommended changes to the Electoral Act to place limitations on how campaigners at voting centres may interact with voters.<sup>17</sup> The West Party Inc. has made a similar recommendation, suggesting some specific rules that could be put in place.<sup>18</sup> The VEC noted that this would probably be addressed by a code of conduct as previously recommended by the Committee (see Section 5.1).<sup>19</sup>

Dr Joe Garra also suggested limiting the number of campaigners that each party or candidate can have at a voting centre,<sup>20</sup> as has previously been suggested by the Committee.<sup>21</sup>

The VEC also reiterated a previous recommendation for a new provision making it an offence for a person removed from a voting centre under section 174 of the Electoral Act to return to the voting centre.<sup>22</sup>

Based on the evidence collected during this Inquiry, the by-elections have seen a continuation of the problem of poor behaviour at voting centres. This generates distress and concerns amongst candidates, campaigners and voters. For this reason, the Committee believes that the Government needs to complete its consideration of the Committee's previous recommendations (see Section 5.1) so that legislative changes can be made prior to the 2026 election. If the Government decides not to introduce a legally enforceable code of conduct, further consideration should be given to introducing legislation limiting how campaigners may interact with voters.

**FINDING 25:** Poor behaviour by campaigners towards other campaigners and voters at voting centres was an issue at the 2022 election and was also observed during the 2025 by-elections. This represents a matter of concern for candidates, political parties and voters.

**RECOMMENDATION 11:** That, if the Government decides not to introduce legislation for a legally enforceable code of conduct for campaigners, it consider legislation providing limitations on how campaigners may interact with voters outside voting centres.

<sup>17</sup> Victorian Electoral Commission, *Submission 3*, p. 10; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 86.

<sup>18</sup> The West Party Inc., *Submission 2*, p. 1; Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 9.

<sup>19</sup> Victorian Electoral Commission, *Submission 3*, p. 10.

<sup>20</sup> Dr Joe Garra, The West Party Inc., public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 9, 13.

<sup>21</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 42-5.

<sup>22</sup> Victorian Electoral Commission, *Submission 3*, p. 10; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, p. 86.

## 5.3 Managing problems at voting centres and escalation points

Managing problems at voting centres represents a challenge for the VEC. As previously recommended, there is a need for legislative reform to provide a better framework for action to be taken against inappropriate behaviour. However, it is also important to understand how the VEC is currently managing issues reported at voting centres to identify areas of improvement. The evidence presented in this Inquiry suggests that there are several areas where improvements could be made.

### 5.3.1 Voting centre staff training and escalation processes

Some of the concerns that have been raised previously include voting centre staff lacking familiarity with the rules and poor processes for resolving disagreements between campaigners and staff.<sup>23</sup> During this Inquiry, stakeholders again raised concerns about the decisions of voting centre staff and escalation processes to resolve disputes over their rulings.

The Greens told the Committee that, at these by-elections, they received ‘inconsistent and at times incorrect information from VEC officials on polling booths, particularly in relation to the number, type and positioning of candidate, party and third-party signage at booths’.<sup>24</sup> Jessica Wheelock described the experience of the Greens candidates and campaigners:

It is a really tough job that the VEC has to recruit and deploy a whole workforce in such a short period of time. But what we were finding on the ground was that there were people working for the VEC who did not understand the legislation, they did not understand the rules, and so they were making judgement calls based on their best guesses and not having the best information to hand. I think the first thing is making sure that the training is really comprehensive and making sure that they have documentation and clear escalation points so that they are empowered to make clear and consistent decisions. I guess our experience with the VEC was that once we discovered that there were inconsistent rulings or decisions that were made that seemed to be out of step with the relevant legislation or the relevant rules, we did not have a clear person that we could talk to; we did not have a clear escalation point. Then once we did find someone, they were not necessarily talking to the VEC staff on the ground.<sup>25</sup>

The Greens called for clear escalation points for parties to resolve disagreements with voting centre staff.<sup>26</sup> Steve Staikos from the Labor Party similarly called for ‘a single

<sup>23</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, chapter 4; vol. 2, July 2024, pp. 200–2, 265–70.

<sup>24</sup> Australian Greens Victoria, *Submission 4*, p. 4.

<sup>25</sup> Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 23.

<sup>26</sup> Australian Greens Victoria, *Submission 4*, p. 4.

point of communication and escalation for local returning officers in the local booths so that people are making decisions that are consistent.<sup>27</sup>

The Committee made recommendations in its previous report about both improving training materials and ensuring that there are clearer and more effective escalation processes to resolve disputes.<sup>28</sup>

As noted in Section 1.3.2, the VEC has indicated that it is working on its training products. Keegan Bartlett from the VEC noted that the VEC is also working on better communication between head office and voting centre staff:

we need to and we are looking at ways to make sure that our staff can be checking in with campaigners, can be reporting up through the field operations network more regularly and more actively so we can have that two-way contact with our field operations when issues are either reported to head office or reported through campaigners and election officials on the ground. But they are all opportunities for improvement and very essential relationships.<sup>29</sup>

In response to the Committee's previous recommendation to improve escalation processes, the VEC indicated that it intends to review its processes to make the escalation channels clear for all staff, candidates and parties for the 2026 election.<sup>30</sup> However, the evidence presented during this Inquiry suggests that there remains a need for further action to improve the training program for staff and to review the existing escalation processes to establish clearer escalation channels for all parties.

**FINDING 26:** Stakeholders told the Committee that they had experienced problems with VEC staff at voting centres, including a lack of knowledge of the rules and inadequate escalation processes.

**RECOMMENDATION 12:** That the Victorian Electoral Commission continue to work on its training products to improve voting centre staff's knowledge of electoral rules and to establish clear escalation processes for parties and campaigners for when there are disagreements with voting centre staff.

<sup>27</sup> Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 29.

<sup>28</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 25–9.

<sup>29</sup> Keegan Bartlett, Director, Electoral Integrity and Regulation, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 37.

<sup>30</sup> Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 10.

### 5.3.2 Inaction, slow action and ineffective action by voting centre staff

Several stakeholders told the Committee about problems they had observed with the VEC taking action (or not taking action) to address problems outside voting centres.

In their submission, the Greens state that the VEC did not take action to resolve a problem with illegal signage in a timely manner:

At pre-poll in Prahran, third party campaigner signs were allowed to be displayed for the first week of pre-poll based on incorrect advice from election officials. It was only later that another complaint to a different official that action was taken to remove them. The Victorian Greens further found that our requests for the VEC to enforce the rules by removing third-party signage from within 100m booths on election day were not actioned by VEC officials within reasonable timeframes without frequent follow-up requests.<sup>31</sup>

The successful Prahran candidate, Rachel Westaway MP, also noted action not being taken on illegal electoral material.<sup>32</sup> In addition, Ms Westaway complained about the lack of action by VEC staff regarding an aggressive voter at a voting centre:

The VEC officials, recognising that the agitated voter on leaving the booth may cause further commotion, then stood back and watched the voter return to serve again, and made no action to move on the voter or seek out security. They sought not to provide any support or assistance for my volunteer after the event.

The maturity of my volunteer ensured the matter did not escalate but the security and safety-centric actions of the VEC officials was poor. This is an example of an improved approach being needed in these situations.<sup>33</sup>

The West Party Inc. noted that the VEC's actions were not always effective:

On several occasions, VEC staff attempted to address the harassing nature of campaign volunteers, with minimal to no effect. In some instances, the campaign volunteers appeared to be dismissive of VEC staff in a way which we believe to have been disrespectful to the VEC, voters and other campaign volunteers.<sup>34</sup>

The VEC noted the limited tools available to it for managing electoral offences, providing a detailed account of the challenges it experienced in dealing with signage near voting centres that was not permitted.<sup>35</sup>

<sup>31</sup> Victorian Greens, *Submission 4*, p. 4.

<sup>32</sup> Rachel Westaway MP, *Submission 6*, p. 12.

<sup>33</sup> Rachel Westaway MP, *Submission 6*, p. 12. See also Rachel Westaway MP, Member for Prahran, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, p. 7.

<sup>34</sup> The West Party Inc., *Submission 2*, p. 2.

<sup>35</sup> Victorian Electoral Commission, *Submission 3*, pp. 51–3. See also Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 20 June 2025, *Transcript of evidence*, pp. 34, 37; Victorian Electoral Commission, *Report to Parliament: 2025 Prahran District and Werribee District by-elections*, Melbourne, 2025, pp. 77–9.

Similar concerns about the limited tools available to the VEC were discussed in the 2022 state election inquiry.<sup>36</sup> The Committee recommended that the VEC be given more powers.<sup>37</sup> The Committee also suggested that consideration be given to the creation of an alternative body with the power to enforce rules at voting centres. The Committee explained that:

A separate body dedicated to enforcing electoral law may be better able to attract the right sort of people and give them the appropriate training. The separate body could focus on problems outside the voting centre, leaving VEC officials to manage things inside. The VEC has noted that the role of election manager has become too large. Moving some of the responsibilities away from that role may make the role more manageable.<sup>38</sup>

This Inquiry has made clear that there remains a need for the VEC or another body to be better equipped to deal with problems outside voting centres. As discussed in Section 1.3.1 of Chapter 1, the Committee encourages the Government to complete its consideration and take action on the Committee's previous recommendations.

**FINDING 27:** Parties and candidates expressed concern about voting centre staff being slow to take action addressing problems outside voting centres, not taking action or taking ineffective action. The VEC noted that it has limited powers to address behaviour outside voting centres.

**Adopted by the Electoral Matters Committee  
Parliament of Victoria, East Melbourne  
17 November 2025**

<sup>36</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 39.

<sup>37</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 40, Recommendation 11.

<sup>38</sup> Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 30 (with sources).

# Appendix A

## About the Inquiry

### A.1 Inquiry process

On 20 February 2025, the Victorian Parliament's Legislative Assembly referred an inquiry into the 2025 Prahran and Werribee by-elections to the Committee. The Committee was required to table a final report by 8 December 2025.

#### Submissions

The Committee called for written submissions through its website and social media channels from March 2025. This included promoted social media posts targeting Prahran and Werribee Districts. The Committee also wrote to key stakeholders inviting submissions, including all candidates from the two by-elections, all registered political parties, the Victorian Electoral Commission (VEC) and some third-party campaigners.

In total, the Committee received nine submissions from individuals, parties, organisations and the VEC.

A full list of submitters can be found in Section A.2 of this appendix.

#### Public hearings

The Committee conducted one day of public hearings on 20 June 2025. Six sessions were conducted with 10 witnesses.

The public hearings were held in Melbourne, with some witnesses appearing by videoconference.

A list of the witnesses who attended public hearings is included in Section A.3 below.

## A.2 Submissions

Number	Submission
1	Name withheld
2	The West Party Inc.
3	Victorian Electoral Commission
4	Australian Greens Victoria
5	Liberal Party of Australia, Victorian Division
6	Rachel Westaway MP
7	Victorian Trades Hall Council
8	Victorian Labor
9	Name withheld

## A.3 Public hearings

### 20 June 2025, Melbourne

Witness	Position and organisation
Rachel Westaway MP	Member for Prahran
Paul Hopper	The West Party Inc.
Dr Joe Garra	The West Party Inc.
Stuart Smith	State Director, Liberal Party of Australia, Victorian Division
Jessica Wheelock	Head of Campaigns, Australian Greens Victoria
Steve Staikos	State Secretary, Victorian Labor Party
Sven Bluemmel	Electoral Commissioner, Victorian Electoral Commission
Ben Sutherland	Director, Event Strategy and Delivery, Victorian Electoral Commission
Keegan Bartlett	Director, Electoral Integrity and Regulation, Victorian Electoral Commission
Melea Tarabay	Director, Communications and Engagement, Victorian Electoral Commission

# Extracts of proceedings

The Committee divided on the following questions during consideration of the report. Questions agreed to without division are not recorded in these extracts.

## Committee meeting—27 October 2025

### Chapter 2, Section 2.3.2

Evan Mulholland MLC moved that the following recommendation be **omitted**:

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore new organisations to receive data from as part of its automatic enrolment program, including the State Revenue Office and the Residential Tenancy Bond Authority.

#### The Committee divided.

Ayes	Noes
Chris Crewther MP	Dylan Wight MP
Emma Kealy MP	Jacinta Ermacora MLC
Evan Mulholland MLC	Nathan Lambert MP
	Dr Sarah Mansfield MLC
	Lee Tarlamis OAM, MLC

#### Amendment negatived.

### Chapter 5, Section 5.2

Dr Sarah Mansfield MLC moved that the following text be **omitted**:

explained:

Volunteers of the Greens candidate at times behaved in a very intimidatory manner. This included standing on the toes of other campaign volunteers handing out HTVs [how-to-vote cards] and using physical intimidation repeatedly standing within the personal space of other volunteers.

Further, repeated baiting of my volunteers, through to verballing voters walking with them along queues, and up until the polling station, around their voting intention.

Their tactics and actions were never picked up or clued onto by the VEC.

There were a number of incidences where illegal electoral material was unfurled near polling booths by opponents. This included climate action protestors adjacent to the Windsor pre-poll location. Their materials had no authorisation. The presentation was known to the Greens. No VEC official ever moved them on.

and that the following text be **inserted**:

described her campaigners and voters experiencing intimidation from rival party campaigners. She also reported a case of third-party campaigners displaying unauthorised materials, which was not acted on, despite complaints to VEC officials.

**The Committee divided.**

Ayes	Noes
Dr Sarah Mansfield MLC	Dylan Wight MP
	Chris Crewther MP
	Jacinta Ermacora MLC
	Emma Kealy MP
	Nathan Lambert MP
	Evan Mulholland MLC
	Lee Tarlamis OAM, MLC

**Amendment negated.**

**Chapter 5, Section 5.2**

Dr Sarah Mansfield MLC moved that the following text be **omitted**:

If the Government decides not to introduce a legally enforceable code of conduct, further consideration should be given to introducing legislation limiting how campaigners may interact with voters.

and that the following text be **inserted**:

In particular, the Committee emphasises the importance of establishing a legally enforceable code of conduct for candidates and campaigners.\*

\* Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 38, Recommendation 10.

and that the following recommendation be **omitted**:

**RECOMMENDATION 11:** That, if the Government decides not to introduce legislation for a legally enforceable code of conduct for campaigners, it consider legislation providing limitations on how campaigners may interact with voters outside voting centres.

and that the following recommendation be **inserted**:

**RECOMMENDATION 11:** That, as previously recommended, the Government work with the Victorian Electoral Commission, political parties and other stakeholders to develop a legally enforceable election-period code of conduct for candidates and campaigners.

**The Committee divided.**

Ayes	Noes
Dr Sarah Mansfield MLC	Dylan Wight MP
	Chris Crewther MP
	Jacinta Ermacora MLC
	Emma Kealy MP
	Nathan Lambert MP
	Evan Mulholland MLC
	Lee Tarlamis OAM, MLC

**Amendment negated.**

## Committee meeting—17 November 2025

### Chapter 2, Section 2.3.2

Evan Mulholland MLC moved that the following recommendation be **omitted** and that consequential changes be made in the report as required:

**RECOMMENDATION 3:** That the Victorian Electoral Commission explore new organisations to receive data from as part of its automatic enrolment program, including the State Revenue Office and the Residential Tenancy Bond Authority.

**The Committee divided.**

Ayes	Noes
Chris Crewther MP	Dylan Wight MP
Emma Kealy MP	Jacinta Ermacora MLC
Evan Mulholland MLC	Nathan Lambert MP
	Dr Sarah Mansfield MLC
	Lee Tarlamis OAM, MLC

**Amendment negated.**

