

**Submission
No 6**

INQUIRY INTO THE 2025 PRAHRAN AND WERRIBEE BY-ELECTIONS

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Submission to the Parliament of Victoria Electoral Matters Committee Inquiry into the 2025 Prahran and Werribee by-elections

As the successful Liberal Party candidate at the by-election held on 8 February 2025 for the state electorate of Prahran, I welcome the opportunity to provide a submission to this Inquiry into the 2025 Prahran and Werribee by-elections.

I feel proud to have become this historic electorate's second only female representative in one of our oldest, smallest by geography and possibly most diverse seats in the Victorian Parliament.

My submission is focussed on the Prahran by-election that was held alongside the by-election in the seat of Werribee. However, I do understand some of the issues experienced by candidates and voters in Prahran also transpired in Werribee.

My shared experiences and insights in this by-election are most relevant to this Inquiry and I believe are important to share.

One of the key elements of this Inquiry is to ascertain possible improvements to the way the Victorian Electoral Commission (VEC) manages elections. Events surrounding the Prahran by-election provide clear examples for the need for action on a range of fronts.

In outlining this below, I do want to indicate that I personally found VEC personnel to be professional and polite in my dealings as a candidate.

The professionalism of the conduct of the count is strongly supported.

My many concerns below relate in part to inconsistencies in approach, as well as the circumstances and lack of follow-up of a serious matter during that arose during the campaign, where a volunteer was injured and subsequently hospitalised after being struck by a car at the South Yarra pre-poll centre.

Overview

I briefly outlined during my inaugural speech to the Victorian Parliament that the Electoral Matters Committee needed to examine aspects of what occurred during the Prahran by-election, which is why I particularly welcome the opportunity to make a submission to this Inquiry.

The points I briefly made in that speech have been expanded on in this submission, and are categorised as follows:

- **Poor Voter turnout**
- **Timing of the by-election – 8 February**
- **VEC handling of postal vote applications for Prahran**
- **Location of pre-poll stations in the Prahran by-election**
- **Length and hours of pre-poll**
- **Incident at South Yarra pre-poll**
- **VEC demands for polling booth volunteer registration**

- **Behaviour of volunteers at both pre-poll voting stations and polling day**

Poor Voter turnout

Suggested Action:

Future by-elections should not be conducted or held over Christmas/New Year, January and the early weeks of February as it disenfranchises many voters and impacts the VEC's full ability to effectively run an election.

Outline:

The 2025 Prahran by-election highlights a continuing and concerning trend for democracy in the state of Victoria, specifically around conducting by-elections.

The official by-election turnout in Prahran was 68.3 per cent (comprising 31,615 formal votes and 1271 informal votes). As such around 15,000 eligible voters simply did not cast a vote back in February. Total enrolment in Prahran at close of rolls was 48,164.

The turnout rate for Werribee was 79.9%.

By-elections during the term of the 60th Parliament have recorded these turnout rates based on the VEC's figures:

Mulgrave (November 2023)	80.9%
Warrandyte (August 2023)	79.7%
Narracan* (January 2023)	78.9%

** Narracan was a supplementary election*

The 2022 Victorian election voter turnout was greater than 88 per cent.

The far lower voter turnout trend of state by-elections in Victoria is concerning and points to a combination of factors.

However, the pre-eminent factors include the 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. The circumstances were further complicated by the traditional 'peak' holiday period that this by-election was conducted within.

As a former marketing senior executive with leading companies including Cadbury, I observed the means, outputs and efforts of the VEC to inform our electorate of this event as being very poor.

The very low turnout in Prahran was also despite almost two-weeks of pre-poll, conducted at two polling booth centres. These pre-poll booths were open for very long operating hours including a weekend and extended evening openings.

Whilst by-elections historically have a lower turnout than general elections, this particularly low turnout rate for the Prahran by-election (as indeed other recent by-elections) requires urgent attention from the VEC, the government and elected Parliamentarians alike.

The best interests of democracy cannot be served if large numbers in our community are inadvertently disenfranchised, simply based on poor awareness or interest, of these by-elections.

The poor timing of both the Prahran and Werribee by-elections on 8 February, with the bulk of the campaign conducted over the month of January, also unquestionably contributed to the low voter turnout.

Timing of the by-election - 8 February

Suggested Action:

8 February as a by-election date was not in the interests of a fuller, participatory democracy in Victoria. Such an early calendar year date should never again be chosen.

It should be reinforced by the VEC and to the Government of the day that no by-election campaign should ever be conducted over January and the early parts of February.

The by-election date of 8 February is another example of unnecessarily disenfranchising Victorian voters.

Outline:

8 February was a very disappointing choice of date for the Prahran and Werribee by-elections. This was entirely at the choosing of the Allan Government.

Not only was it completely counter to the political norm, it was arguably undertaken to avoid overt scrutiny of the government during the traditional 'down time' period in the Australian political calendar.

8 February as a by-election date was not in the interests of a fuller, participatory democracy in Victoria. Such an early calendar year date should never again be chosen.

It should be reinforced to the VEC and the government of the day that no by-election should ever be conducted over the months of January and majority of February.

The selected by-election date by the Allan Government created disadvantage for all candidates across Prahran and, I believe, also in Werribee.

This included the ability to effectively access the VEC itself, engage volunteer bases, have election materials developed, printed and posted and generate general campaign activity.

The writs for these by-elections were issued on 20 December 2024, with electoral rolls for each electorate closing on 27 December.

The closing of the rolls for both Prahran and Werribee the day after a two-day public holiday period (Christmas Day / Boxing Day) was a glaring issue.

Without direct evidence, I believe anecdotally this closing roll date disenfranchised many people. Many were travelling with pre-booked plans, some having recently moved to the electorate or become eligible to vote only around the Christmas period. They felt they were

unable to easily inform the VEC of changes to their circumstances or participate in the by-election.

I knew of so many residents across our electorate who had long-standing, pre-booked holidays and recreation leave, limiting their ability to participate in the campaign period or even the ability to vote up to or on the day.

I had a number of electors also directly contact me stating that they were informed by VEC officials that if the 8 February election date was too difficult for them to vote, that they could simply inform the VEC and they would be removed from the roll for this particular by-election and not be required to vote.

This is a terribly disturbing practice which directly disenfranchises voters because of the inappropriateness of the 8 February date.

It is common and agreed practice that neither Federal, State or Local Government general elections or by-elections are held during high public holiday periods, and particularly not so early in the calendar year, given the impact of the Christmas/New Year and traditional January school holiday period on households, working families and businesses.

The period from Christmas, through to New Year and for most of the month of January until the Australia Day public holiday, marks the largest school and work break period for households including working families across Victoria. This is a known reality.

In short, January is seen and understood as a no-go period for electoral campaigning and elections. So many people holiday, travel or are involved in family, community, social and sporting events that take them away from their residence during January.

The Committee is informed that since Federation, no Australian Federal election date has fallen in the month of January or February, with 2 March 1996 being the earliest held election in the rolling calendar year. (This meant an election campaign was not triggered until after Australia Day for that 2 March 1996 election).

In the various Australian states where there are now fixed election dates, including in Victoria, no fixed election date falls in the months of January or February.

At the Victorian level these circumstances have been historically replicated for by-elections, except where a candidate or MP has deceased.

A supplementary election for the seat of Narracan was held on 28 January 2023. This was due to the death of a candidate just ahead of the November 2022 State election in that electorate and necessitated a supplementary poll.

Decades prior, the death of a sitting MP (Beth Gleeson, Member for Thomastown), led to a by-election held on 3 February 1990 in the electorate of Thomastown.

Further, the death of the former Member for Prahran, Bill Quirk, whose passing led to a by-election in Prahran and was held on 22 January 1949.

Each of these particular elections, necessitated by death of a candidate or sitting MP, clearly fall outside the normal circumstances and must be viewed as exceptions.

The resignation of the former Member for Prahran was not a fatality, and our electorate should have been better respected around the timing of the by-election, which could have been held at a more appropriate date, at least a few more weeks into February.

Future by-elections should be timed to avoid disenfranchising voters in the way that they were disenfranchised by these by-elections.

VEC handling of postal vote applications for Prahran

Suggested Action:

Postal voting should be made easier and more accessible for people who are unable to physically access polling booths for Victorian elections.

VEC staff need to be properly trained and must provide consistent information to voters. There were too many inconsistencies in the advice and information given around the then upcoming by-elections for Prahran.

A vast improvement in VEC Communications and their channels. Including more information that is easy to follow on the VEC website. Other channels such as the VEC Facebook site and other social media platforms, need to be accentuated and sponsored over the period of such by-elections. More paid advertising needs to occur across traditional and social media platforms.

The VEC website needs an urgent audit and update ahead of the 2026 State election in particular around pertinent, relevant information for voters.

Outline:

Postal votes remain an important means for many Victorians to appropriately participate in elections. This includes for both the mobile and those voters with accessibility issues.

6851 postal votes were ultimately cast at the Prahran by-election.

As outlined above, I had a number of electors directly contact me during the campaign over their desire to undertake a postal vote. Some had pre-booked including international travel and others had ongoing health concerns. They all expressed deep concern at the VEC's ability to process their postal vote application based on their tight personal deadlines and feared that they would be disenfranchised from voting.

The circumstances were clearly exacerbated by the 8 February timing of the by-election and its suddenness in the eyes of so many.

The distribution of postal votes occurred during one of the peak holiday and travel periods including around Australia Day. Whilst nominations of candidates closed on Friday 17 January 2025, it was understood postal vote materials were unlikely to be sent to those who applied until at least late in the following week and around the Australia Day long weekend.

I had a number of voters in the electorate inform me that in seeking to do a postal vote, they would also be away over the likely period that a postal vote would be provided to them by the VEC. In their circumstances, access to pre-poll was not an accessible alternative as they would be away over the period of pre-poll and election day proper.

A real-life example is provided, which was sent to me by a South Yarra resident named Anne (she provided her full name and contact details to me).

Anne outlined the following to my campaign:

16 January.

'... we spoke yesterday about my difficulty trying to register online to receive my ballot paper by email.

I decided to try again this morning and called them (the VEC). Person answered had no idea but at least transferred me to a supervisor (named Finn) and he assisted me and am now registered to receive my voting paper by email.

To be honest if that actually happens it will be a miracle.

During my conversation with Finn a number of problems with the (VEC) website arose. For example, did you know that using a browser such as Safari (used by half the world) makes the website almost impossible to use? How insane is that. A couple of lines of tiny print somewhere in the form says its recommended to use Chrome and one other until he pointed out I would never have seen it and he didn't disagree.

There are several other things so all I can hope for the sake of all candidates is that someone places a bit more logic around the navigation of the site.'

I had a subsequent follow up by Anne on 5 February after the inability to process her ability to vote via the VEC communication channels.

Anne, again outlined on 5 February:

'I posted my vote from Colorado, USA, sent it express in the hope it arrives in time. They say ETA is 12 February. Cost me \$131 AUD. How insane is that?

I hope my story might achieve some improvement for future elections.

The bureaucrats who are in charge of this stuff should all be made to go through the process I have. Clearly nobody running the (VEC) website has actually tested it from all angles. I will watch for results.'

Such an example shows the lengths people will go to vote, which they cherish as their right and privilege.

The process was not easy for many in the Prahran by-election. Voting should be a simple, seamless, of course secure but also a well-enabled experience.

This is not in the spirit of our democracy, and I am deeply concerned by the repeated feedback I received by many other people, around their ability to easily vote at the by-election.

Information around what a voter should be doing in these circumstances was very limited for the Prahran by-election including on the VEC's website and the advice given through its call centre.

It should be far more explicit, informative and easy-to-follow, along with the performance overall of the VEC's communication channels and level of engagement with voters.

I strongly suggest a review of the user journey at the VEC website.

Location of pre-poll stations in the Prahran by-election

Suggested Action:

Urgent review by the VEC and the Electoral Matters Committee around appropriate pre-polling locations, including minimum standards and a prior risk-assessment conducted.

An investigation into the appropriateness of the South Yarra pre-poll location should be conducted and its outcomes provided to the Electoral Matters Committee and the Parliament.

The selection of pre-poll places overall must be reviewed, as the two chosen for this by-election were inappropriate locations and hard to access, which created many problems for VEC staff, candidates, volunteers and, crucially, voters.

Outline:

For the by-election in Prahran, the VEC operated two highly problematic and non-typical locations for its two pre-polling centres.

These were located at:

- 21-23 Chapel Street, Windsor
- Ground Floor, 60 Wilson Street (access via Ellis Street), South Yarra.

Early voting at both these centres commenced on Wednesday 29 January and operated at both centres over the following date and time periods:

- From 9am to 8pm from Wednesday 29 January to Thursday 6 February
- This also included Saturday 1 February from 9am to 8pm.
- On Friday 7 February the hours ran from 9am to 6pm.

At a high-level the collective failings of these two pre-poll centres is outlined:

Non-traditional pre-polling locations

Both locations were non-traditional, not in a larger population centre in the electorate, nor logical places for the conducting of pre-poll voting. None were near the busiest and most accessible areas of the electorate by public or private transport or by foot.

Poor location of the pre-poll centres

The cultural and busiest precinct in the Prahran electorate is around Prahran Square, in the vicinity of Chapel Street and Commercial Roads, including nearby Prahran Market or Prahran Town Hall. Both pre-poll voting centres were nowhere close to this vicinity. This wasn't a good outcome.

Unnecessary risks

Each pre-poll location (Windsor and South Yarra) created levels of unnecessary risks for voters, commuters, traffic management including drivers and roadworks personnel, along with candidate volunteers for candidates. Arguably also for VEC officials. They were poorly chosen locations.

This was due to skinny pedestrian footpaths or in the case of South Yarra, no discernible footpath; no immediate parking; extremely poor accessibility access for wheelchairs, the elderly and the frail; very poor lighting at dusk and night; and equally poor signage to inform both voters and volunteers of the voting centre.

Whilst each centre directly interfaced, too closely and unnecessarily with busy traffic including cars, trams, cyclists and other vehicles.

A Liberal Party volunteer was struck by a car at the South Yarra pre-poll location. Further details below.

Poor accessibility

A very concerning trend was that both pre-poll locations in Prahran were not up to standard for accessibility access. Did either have a risk assessment or audit before being selected?

I and my campaign volunteers witnessed so many struggling to access these centres at both Windsor and South Yarra locations.

Prahran, like any other electorate, has its fair percentage of elderly, access-challenged and voters with mobility issues.

I am seeking real feedback from this Inquiry over this issue as the VEC must do better.

South Yarra pre-polling centre

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.

A Liberal Party volunteer was struck by a car during pre-poll at the South Yarra voting centre due to the polling booth and passenger flow being forced to directly move onto the road at the end of Wilson Street. He was hospitalised and remained in hospital for many weeks afterwards with head trauma.

In summary this was an entirely inappropriate pre-poll location.

Length and hours of pre-poll

Suggestion Actions:

Pre-poll voting be restricted to only one week – the final week – of an election, including by-elections and the general election.

The previous recommendation of the Electoral Matters Committee to limit pre-poll to seven days before election day should be reconsidered.

The length of this period needs to be reviewed as it created an enormous pressure on election staff and candidate volunteers.

Outline:

A total of 11,388 early votes were cast before the date of the 8 February Prahran by-election.

In my inaugural speech to the Victorian Parliament I indicated that pre-polling arrangements are too long, arduous to both political candidates and their volunteer groups. It does a disservice and does not enhance the democratic process.

A single week is ample time to facilitate pre-poll voting for those looking for this option.

Such a long period of pre-poll (up to two-weeks) effectively limits any aspiring political candidate to not only be centred solely at the pre-polling station (and therefore not engaging with the wider community). Further the hours running to 8pm each evening were excessive with little to no voter contact or interest in after-hours voting.

A long pre-poll timeline requires extensive resourcing to help meet voter demand with HTV materials. It is also extremely resource-intensive for the VEC and costly for the conduct of elections.

The period of extended pre-poll in both Prahran and Werribee didn't deliver an increase in voter turnout. Instead, turnout was 10-20 per cent lower than the usual voter turnout and begs the question of why an excessive length of time for pre-poll is considered appropriate.

Incident at South Yarra pre-poll

Suggested outcome:

A Liberal Party volunteer was struck by a car during pre-poll at the South Yarra voting centre on Wednesday 5 February.

The response by the VEC was inappropriate, slow, lacking information about the accident details and in some cases little empathy shown. The Inquiry should properly investigate the circumstances of this dangerous incident including what information was provided centrally to the VEC, learnings and how to best respond to such an event in the future.

The poor location of the pre-polling location in South Yarra created the circumstances for this accident to occur. Additional actions of VEC officials to refuse to allow campaign volunteers to safely stand on a footpath, provided further risk at this time.

All pre-poll booth locations should have a full risk-assessment undertaken prior to their selection, with inappropriate locations being closed.

Outline:

A Liberal Party volunteer was struck by a car during pre-poll at the South Yarra voting centre on Wednesday 5 February.

He was later hospitalised where he remained at Sunshine Hospital for many weeks with head trauma.

I believe this accident was completely avoidable. It was due to the polling booth and voter flow being forced to directly onto the road (at the end of Wilson Street). A major contributing factor was the VEC's application of the 'rules' that precluded campaign volunteers from safely standing on a narrow section of footpath, due to their apparent closeness to the entrance of the polling booth.

Of equal concern was the poor approach taken by the VEC at the time and following the accident.

The accident / incident was not appropriately recorded or raised with VEC supervisors.

It was indicated by the VEC that because the volunteer had not participated in the pre-registration trial for volunteers at polling booths, that they therefore had little knowledge of the accident.

This was ridiculously outlined to all campaign volunteers on the last day of pre-poll during a briefing and why we weren't signing up to the VEC's voluntary HTV register.

The situation required my follow up as a candidate with the VEC head office directly, to have a senior official seek further clarification as to the accident / incident and what transpired post and moving forward.

Accidents happen and I acknowledge this. But the response by VEC officials displayed both little knowledge of the event, little compassion and little appreciation to the seriousness of the situation. The volunteer remained in hospital for many weeks.

In exacerbating the clear dangers at this polling station, traffic wardens were then suddenly provided for the remainder of the pre-poll.

However, these wardens themselves provided ongoing ill-informed instructions to both voters and campaign volunteers on their apparent rights and responsibilities to conduct a pre-poll vote. One of my volunteers indicated they made a bad situation actually worse, focusing on campaigners and not the local traffic.

In short, a terrible set of circumstances.

VEC demands for polling booth volunteer registration

Suggested Action:

The trial requiring election campaigners to register their details before handing out how-to-vote cards (HTVs) at Victorian elections should not progress further and the concept disbanded ahead of the 2026 State election.

The trial has many concerns including impinging on people's freedom of association.

It also impacts on VEC personnel whose job is to run the election, not trying to cajole people to fill out a form, taking valuable time and resources.

What is the status and outcomes of the trial itself? Are the results secret or will they be published?

We are to date none-the-wiser with the answers to so many questions and the Inquiry should explore this area further.

Outline:

As part of a trial, the VEC for the Prahran and Werribee by-election was requiring election campaigners to register their details before handing out how-to-vote cards.

This was a voluntary register trial presumedly to measure its application at future elections.

The trial was a farce.

The Liberal Party informed my campaign that our volunteers did not need to register for this trial. We didn't and I instructed all my election campaigners to politely object to the VEC's daily overtures by officials to seek my volunteers to sign a form on a clipboard.

VEC officials had a mixture of embarrassment, surprise but also tellingly appeared to mock our decision in particular closer to election day.

The trial is a very concerning public policy position by the VEC with little basis for its value, but with many privacy and security concerns along with its attack on political association.

Dressed up as a means of allegedly improving behaviour of polling booth volunteers, it instead wants to collect data and information of those who chose to participate in our democratic process by handing out HTVs.

The trial didn't capture the incident which impacted one of my volunteers at the South Yarra pre-polling station who was struck by a car. A VEC official said they could have more easily acted if the volunteer had actually signed the VEC's register. A preposterous comment!

The trial is arguably an infringement on freedom of association. Why would the electoral commission need to know if an individual chooses to support any candidate in a Victorian election by handing out HTVs? The VEC as an impartial body should have no right nor interest in this.

What did or does the VEC intend to do with the personal information it did collect from those volunteers that chose to sign up to the trial during the Prahran and Werribee by-elections? How is people's privacy treated? What is the status of the data? What is the status of the trial?

We are to date none-the-wiser with the answers to these questions. The Inquiry should explore this area and provide a full report.

Behaviour of volunteers at both pre-poll voting stations and polling day

Suggested Action:

The vast majority of candidates and volunteers during this by-election behaved well and in the spirit of ensuring democracy was advanced in a cordial and professional manner.

VEC officials professionally conducted the ballot count.

There were some breaches and behavioural issues over both the pre-poll and election day proper but this didn't impact on the result.

The behaviour of campaign volunteers for the Greens was on a series of occasions intimidatory, anti-social in nature and provocative.

The VEC needs to improve its approach to safety and security responsiveness at events at polling booths.

Outline:

On the whole, I witnessed and believed the vast majority of candidates and volunteers during this by-election, behaved well and in the spirit of ensuring democracy was advanced in a cordial manner.

This was a tight by-election.

There were however a series of clear breaches of this over both the pre-poll and election day proper.

I will succinctly outline:

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 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.

An incident involving one of my volunteers and a very aggressive voter was poorly handled by the VEC at the South Yarra pre-polling station on Friday 7 February.

The voter, without provocation, sought to verbally and close to physically assault one of my volunteers in a highly-provocative and pre-meditated action, which the volunteer had not instigated. The volunteer was simply ignoring the provocative individual on the basis that this person may be unstable.

The VEC officials, recognising the agitated voter on leaving the booth may cause further commotion, then stood back and watched the voter return 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.

The only support my volunteer received was from some other campaign volunteers from other campaigns.

Overall, the security presence at pre-polling stations was poor, with security officials, if present, only concerned about a magical (but never marked) line where a volunteer couldn't supposedly cross to provide a HTV to a voter, rather than wider behaviours.

Conclusion

Thank you for considering my detailed submission and I look forward to the Inquiry's final recommendations.

I would be pleased to provide any further information or clarification that you may require. I wish you well in your deliberations.

Yours sincerely,

Rachel Westway MP
Member for Prahran