

ELECTORAL MATTERS COMMITTEE

Inquiry into the 2025 Prahran and Werribee By-elections

Melbourne – Friday 20 June 2025

MEMBERS

Dylan Wight – Chair

Chris Crewther – Deputy Chair

Jacinta Ermacora

David Ettershank

Emma Kealy

Nathan Lambert

Sarah Mansfield

Evan Mulholland

Lee Tarlamis

WITNESS

Rachel Westaway MP, Member for Prahran.

The CHAIR: I declare open this public hearing for the Electoral Matters Committee's Inquiry into the 2025 Prahran and Werribee By-elections. All mobile phones should now be turned to silent.

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

I am Dylan Wight, the Member for Tarneit and the Chair of EMC. The other members with me today are the Deputy Chair Christopher Crewther; Jacinta Ermacora, who joins us online, as does Nathan Lambert, the Member for Preston; Sarah Mansfield, Member for Western Victoria; Lee Tarlamis, Member for South-Eastern Metropolitan Region; and also Evan Mulholland, who is a Member for Northern Metropolitan.

I welcome Rachel Westaway MP, who is the Member for Prahran.

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

All evidence given today is being recorded by Hansard and is broadcast live on the Parliament's website. The broadcast includes automated captioning. Members and witnesses should be aware that all microphones are live during hearings and anything said may be picked up and captioned, even if said quietly. You will be provided with a proof version of the transcript to check as soon as it is available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

Rachel, what I might do is invite you to give a brief summary of your submission, and then we will ask some questions until roughly 9:30.

Rachel WESTAWAY: Thank you, Chair, for the opportunity to address the inquiry. As the elected Member for Prahran I welcome the chance to share my observations in regard to the Prahran by-election that was held in February 2025. I would like to highlight some areas that require immediate attention in my view. The by-election recorded a turnout of just 68.3 per cent, and approximately 15,000 eligible voters did not participate. This compares poorly to 79.9 per cent in Werribee and over 88 per cent in the previous 2022 state election. The primary contributing factor was the 8 February date, in my view, which placed the campaign period during the traditional Christmas holiday season, when many Victorians travel and take extended leave. For context, no federal election since Federation has been held in January or February, and state elections similarly avoid this period, except in cases of candidates' deaths. During the campaign voters reported being told by VEC staff that they could be removed from the roll if the election date was inconvenient. This practice directly undermines democratic participation and warrants immediate review.

The challenges extended to venue selection, 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 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 on 5 February and hospitalised with head trauma. This incident occurred because VEC proximity guidelines force volunteers onto roadways rather than available footpaths. The VEC's response to the matter was inadequate, in my view. Initial reporting was poor, requiring my direct intervention later that night to escalate the matter – I was not there at the time, but was told about it – and I did that to senior management. The VEC official cited the volunteer's non-participation in their registration trial as limiting their response capabilities, which raises concerning questions about the relationship between the administrative procedures and emergency responses.

This point then connects me to the VEC's volunteer registration trial being conducted during these elections. The Liberal Party declined participation, but questions remain about the trial's objectives, the data handling of it and privacy protections. The suggestion that registration affects incident responses to capabilities requires clarification, in my view.

Communication failures further hampered voter participation. Citizens reported that the website compatibility issues between theirs and the VEC's and in regard to common browsers were problematic, so they could not log on. There were inconsistent caller centre advice and complex postal voting procedures. There was a documented case involving a voter mailing their ballot from overseas. This lady called our office. She paid \$131 – she was based in London – due to system difficulties. She wanted to participate, she wanted to vote and she wanted to make certain that she got her vote in in time, so she paid \$131, illustrating the practical barriers facing citizens attempting to vote during this particular by-election.

The extended two-week period for pre-poll, while generating 11,388 early votes, failed to improve the overall turnout as well. So that is another area that I would just like to point to. This suggests that longer pre-polling periods may not enhance the democratic process, in my view.

Based on these observations, I recommend the committee considers several critical reforms: first, establish some timing protocols that prevent by-elections during the peak holiday seasons; second, implement mandatory safety assessments before a location approval; third, strengthen emergency response procedures and incident reporting protocols; fourth, upgrade communications systems, including website functionality and staff training; fifth, evaluate pre-poll duration based on the actual participation data; and finally, thoroughly review the registration trial with clear privacy guidelines.

I acknowledge that the VEC staff generally conducted themselves professionally and they managed the vote count process very competently. However, these systemic issues create barriers to democratic participation and compromise voter safety. The up-and-coming 2026 state election makes addressing these concerns urgent to ensure all Victorians can safely exercise their democratic rights. I appreciate the committee's work and remain available for further clarification.

The CHAIR: Thank you, Rachel. We will go to questions now. I might start with the Deputy Chair Chris Crewther.

Chris CREWTER: Firstly, thank you, Ms Westaway, for your evidence here today. You have outlined a number of issues in your oral submission just now and in your written submission as well. Just to start with, what do you see, overall, was the biggest issue that you can point out from the by-election?

Rachel WESTAWAY: Definitely the date. That was really problematic.

Chris CREWTER: Yes. And with voter turnout, what do you think the VEC or others could have done better – in addition to the date – to get a better voter turnout than we had?

Rachel WESTAWAY: Clearer communication. There was inconsistent communication going through to people who would ring up. People generally go to websites to access information, and there was incompatibility – the website often was inaccessible. And then when people would ring the VEC they did not know that they were getting inconsistent information, so that was problematic. The timing was hard, and the location choices as well. One of the locations, the South Yarra one in particular, was hidden behind a lane, and then you had to go around the corner to access the back of the building in order to get to it. It was terribly difficult to access, so a lot of people just said, 'Couldn't even find it.' The other one was right on the corner of Chapel Street near Dandenong Road, a really, really busy intersection. The signage was poor, so people could not see it. It was super busy, and there could have even been A-frames that could have been used more effectively, just to get people there and see where it was. I think they are some of the issues that could be addressed – the key ones.

Chris CREWTER: You talk about campaigner registration. What was your overall view of the campaigner registration trial as well as the professionalism of the VEC staff, particularly given you note that:

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

Rachel WESTAWAY: 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.

The CHAIR: Can I flesh that one out a little bit more?

Rachel WESTAWAY: Certainly.

The CHAIR: You have detailed in the submission that your campaign volunteers declined to take part in that trial. Can I ask firstly: why? Then can I flesh out, is that a Liberal Party position that will continue to be a position going forward or what that just a position of your campaign?

Rachel WESTAWAY: Chair, I cannot speak on behalf of the Liberal Party in regard to what their position will be in the future – I really do not know. This was a trial, so on the basis of the trial, there were concerns expressed by Liberal Party HQ, I know that, but it certainly was not a directive. It was absolutely clear that volunteers could register if they want to and some volunteers did. I am pretty certain that we had volunteers that actually did register, but there are a lot of people that volunteer that are not members of a party as well, and they do not particularly want to be seen to be volunteering at an election. For that reason, some just went, 'I don't really want to put my name down and my address and my details and my birth date,' so I think that is quite reasonable.

Chris CREWITHER: One final question: you mentioned safety around a particular pre-poll booth. You mentioned that I believe a Liberal volunteer was struck.

Rachel WESTAWAY: Me too.

Chris CREWITHER: I was also there when an Uber delivery driver was struck as well.

Rachel WESTAWAY: I was there too.

Chris CREWITHER: What is your view on the safety of that location and what would you recommend in that regard?

Rachel WESTAWAY: The Uber delivery one I believe, Deputy Chair, was at the Chapel Street location, which was the Windsor booth, and that one I do not believe was reported, unfortunately. The one at South Yarra was definitely reported. In terms of the locations, both of them were highly problematic.

The location that we had was in a convenience store on Chapel Street – that was the Windsor location. It was not highlighted, there was a big barrier out the front so people could not park, so people would park across the road. There were no lights that were really close by, so people would run across the road to the pre-poll booth. There they were confronted with a whole line of volunteers handing out how-to-votes, they were dodging traffic, dodging Uber bikes and just general bikes. It was just a spot that appeared to be very hard to access and dangerous for everybody. That clearly culminated in the Uber guy being hit by a car that was reversing and trying to park and seeing all of the action and movement going on with people handing out how-to-votes.

In terms of the location for South Yarra – I do not believe it would have been checked, because there were roadworks going on right in front of it. There was not even a footpath to get into the back of this, it looked like a warehouse that they were voting in. It was extremely difficult, and I would say that, with the best intentions for any candidate in any party, it was just a problematic location and very, very dangerous. In my view, if somebody had gone out and had a look at it and it was going on at the time that they were selecting locations, there is no way they would have chosen that.

Chris CREWITHER: Thank you. That is all for now, Chair.

The CHAIR: Thank you. I think we are going to go Jacinta Ermacora, who is online. And then did you have one after that?

Evan MULHOLLAND: Yes, I can go after. Yes, sure.

Jacinta ERMACORA: Hi, Rachel.

Rachel WESTAWAY: Hello.

Jacinta ERMACORA: I do not think we have met.

Rachel WESTAWAY: We have not.

Jacinta ERMACORA: I am in the upper house.

Rachel WESTAWAY: Lovely to meet you.

Jacinta ERMACORA: Thanks for coming along and presenting what you have done today. I just want to ask about the campaigner registration trial. What are the party's thoughts on transparency of alliances? Because if people do not want to register – you said that they did not want to or people do not want to?

Rachel WESTAWAY: It was a trial. It was clearly not articulated in terms of what the key objectives were. In my mind it would be quite reasonable – and we do do it. We have all of the registration details of the volunteers. We have got them already. And whilst sometimes that can chop and change, as all of us would know, when it comes to elections and volunteers on polling booths we could probably be more vigilant about it as parties in regard to taking down those details. But to have an official body like the VEC do it and have people put their personal details down, I think that intimidated people somewhat, and they did not really understand why –

Jacinta ERMACORA: Do you think people were concerned that their details might be leaked or made public or not secured by the VEC?

Rachel WESTAWAY: I think that that may well have been a concern. I cannot speak on behalf of other people, but there were people that said, 'Look, we're in the corporate world. We're happy to help out and volunteer, but we don't want our contact details being put down as a potential volunteer for the Liberal Party or the Greens or an independent – why would we want to do that?'

Jacinta ERMACORA: But at the same time do you think that it is acceptable for parties to be transparent about who is aligned to them?

Rachel WESTAWAY: Well, it depends on what you mean by transparent, really.

Jacinta ERMACORA: Up-front.

Rachel WESTAWAY: Well, up-front with whom?

Jacinta ERMACORA: The public, about who is helping them in their campaign.

Rachel WESTAWAY: I am sorry, I do not think that is necessary. I absolutely do not think that is necessary for a volunteer to hand out that is not a member of a party. That might be a school mum of mine, for example, helping out – I do not see why her name needs to be out there. You are asking me for my views; that is my personal view.

Jacinta ERMACORA: What about those that might have alliances to different organisations that support different parties?

Rachel WESTAWAY: Well, I assume if they had an alliance to a certain party, they would be helping that party out and the party would have the information. Really, if the VEC was collecting data, was it for occupational health and safety reasons and emergency response requirements? If that was the reason, I think there could have been a better explanation for it, because I think that is the whole reason, isn't it – or is it to damn and name and shame people that might have a certain allegiance to someone? I did not have any groups that were aligned with anybody coming and helping me; I just had local volunteers, and I just do not see why they need to go into the public sphere, on the record.

Jacinta ERMACORA: Thank you.

The CHAIR: I think, to be fair, the intention of it, from the recommendations that were in the election review, was in response to some incredibly poor behaviour across a whole bunch of polling booths and pre-polling booths. I do not think the intention has ever been so the public or anyone else for that matter knows necessarily who people are volunteering for and who they are not volunteering for. I am not really buying or selling here; it was an optional thing, but I just thought I would contextualise that a little bit.

Jacinta ERMACORA: Thank you.

The CHAIR: Evan, and then I will go to Sarah online – if you have got a question, Sarah.

Evan MULHOLLAND: I might just join in on that point. I think there was a broader issue that the party had with its aims, and I will let the State Director, who is speaking later today, talk to that. But we do have a sort of broader workplace issue in a lot of workplaces where people might feel like they cannot publicly express, and perhaps free political engagement in Australia might be seen as something you should not do if you work for a particular workplace, so I think that is the broader context. Did you have any reports of any volunteers that felt like they really did not want to give over their information?

Rachel WESTAWAY: Yes. I did not go around to every single volunteer, but the volunteers that I was near at the beginning of the day when the VEC came out with their clipboard and asked people if they would like to register – I did not ask that many people, but from the people that I did ask, some of the feedback was, ‘You know, I’m helping you. I don’t really want to be putting my private details down.’ They were more corporate people, and I used the example of school mums as well. They just did not really understand the context to it.

Evan MULHOLLAND: Well, can I say congratulations on your election. I want to ask about the 5 February incident and draw you out a bit on the response to that. When was the VEC first informed? Were the authorities informed?

Rachel WESTAWAY: Certainly. I was not there when the incident happened. It was at the South Yarra booth. I think it happened later in the evening. But it was daylight saving at the time, so it was quite bright. I had a text message from other volunteers letting me know. I was horrified to think that any volunteer would be struck by a car, and I was told that the car had driven off. I asked about the volunteer, and they said that person had gone home. I rang the volunteer myself and said, ‘Are you okay? What happened? Did you report the incident?’ He said the VEC staff were there and they knew about it. The person said they were feeling dizzy. I said, ‘Have you been checked out? How did you get home?’ I think they caught public transport. I said, ‘I want you to go to the hospital. I need you checked out. Please take an Uber or a taxi. We’ll pay for it.’ I then let the state director know. I am trying to think of who else I let know.

I then had a phone call in the morning from the VEC, and the message had got through to them. I think it was because the Liberal Party HQ had sent the details through. The VEC were asking me about my understanding of the incident. They did not have it reported. Then they were very defensive about it, and I said, ‘At the end of the day this is not a blaming game. I’ve got somebody that’s been hit. I just need to know whether it’s been registered.’ In the back of my mind I was wanting to make certain the person was okay and it was not going to happen again. I wanted to understand if there were any insurance issues that we needed to cover off from a paperwork perspective if this person was requiring insurance coverage or to be able to make a claim. That person ended up in hospital for a very long period of time. I think there were other complicating issues to it, and I have not heard anything else. I did go and visit them in hospital.

Chris CREWETHER: Can I just ask a quick follow-up on that point?

Evan MULHOLLAND: Yes, go, and I will jump back in.

Chris CREWETHER: I am not sure of the timelines. Did that have any impact on people not reporting the other incident with the Uber delivery driver – the difficulty of reporting that incident – or was that proceeding?

Rachel WESTAWAY: I think the VEC staff were there with that one. But I was not given any further information about what happened, so I do not know. As the candidate I am a bit surprised that we did not get

official updates on it so that with opportunities like this we could actually present in a particular fashion what happened and what the process was. But clearly I have been in the dark as well.

The CHAIR: Just a quick one. I just want to make sure Sarah has got time for a question as well.

Evan MULHOLLAND: I just have a really quick question on participation, and it is something that I have raised in a few committees. At the federal level, if there is a by-election the AEC will send an information pack to every voter in the electorate by mail. The VEC explanation was they aligned with the government's digital strategy and were doing some advertising to different people in the electorate, younger people et cetera, so not everyone ended up knowing there was a by-election. We had the same issues in Warrandyte and Mulgrave and other places. Do you think the VEC should return to letting people know by mail about a by-election?

Rachel WESTAWAY: In my view, absolutely. I mean, this is a democratic process. It may not have worked in my favour. But at the end of the day I think we are all in this job to ensure that the democratic process is adhered to, and that means informing people. I actually have a reasonably young electorate; the average age is 35. They are renters. They are more inclined to be digital than traditional Liberal Party voters in terms of social media. And the Greens came out and said that they felt the timing, the communication, was poor and that disadvantaged them. I think from all of our perspectives that a postal or a mail-out would be better.

The CHAIR: On that note, we will go to Sarah Mansfield online, please.

Sarah MANSFIELD: Thank you. Congratulations on your election.

Rachel WESTAWAY: Thank you, Sarah.

Sarah MANSFIELD: I guess just following on from that, what are your views on other forms of voter registration, for example, having some form of direct registration linked to, say, when you lodge your bond for a new rental there is automatically some sort of process that updates your electoral details, given what you have reflected on, that you have a lot of younger, more mobile residents in your electorate?

Rachel WESTAWAY: I think that would be great, absolutely. It provides accuracy. If there is an efficient way – if somebody has already registered to vote, and they move house and there are other mechanisms in which to capture them when they move out of an electorate and move into another one, I am all for it. It just keeps everyone informed. I have no issues with that.

Sarah MANSFIELD: Terrific. The accessibility of venues was something that I think was reported in a number of places across both by-elections that were taking place. For people, for example, with disabilities there were issues around access as well. Do you have any reflections on that?

Rachel WESTAWAY: Yes. I think, as you point out with disability issues and access, absolutely – Prahran is one of the most densely populated electorates. We are the smallest electorate in Victoria – 11 square kilometres. We had two pre-poll locations selected that were surrounded by buildings – one of them was particularly hard to find – around cobblestone lanes and behind more industrial buildings. It was exceptionally difficult for people with disabilities to access those two pre-poll locations. I am not saying that across the board for the actual by-election, but certainly from a pre-poll perspective, those two were exceptionally difficult. The other one, on Chapel Street: the lights were not close by and there was a barrier in front, so even if someone was going to jaywalk or go in a wheelchair, they could not have done it. It was just terribly difficult.

Sarah MANSFIELD: Thank you. Just one last question. Quite a few of the volunteers reported having difficulties if there were complaints, if the VEC made a ruling about third-party signage or materials or where different volunteers were standing, all of those things. If there was a dispute about that, there seemed to be challenges with escalating that, if people did not agree with the initial finding of that particular VEC staff member. Do you have any reflections on that at all or experiences of that?

Rachel WESTAWAY: The experiences were no different to any other campaign that I have worked on, to be frank. Being a by-election, and it was not Labor and the Liberals against each other, it was the Greens and the Liberals, certainly there were times – and it was very hot during that period, so everybody's mood and temperament by the end of the day was on edge. Yes, it was difficult, but I felt for the VEC. I suspect further training would be better. There were security and then there were VEC staff. Security would often just stand

back. It was not so much the volunteers, but it was other people coming off the street that were going off at different times. We would have hoped that security might have stepped in to support everybody there. The security really could not do anything, and then the VEC staff could not do anything. So, yes, that is an area that could absolutely be addressed.

There is one point that I have not put in here that I think is worth noting. Certainly during the pre-poll I would love to see very strict lines that would be taped up of where people can stand. I know we have this all the time with elections, but it would make life so much easier, because when everyone is on edge, everybody is very comfortable telling the other side, 'You can't stand there. You've put your foot over the imaginary line.' It would be wonderful just to have clear lines that were on VEC tape that just everybody knew; there was no argument about it. In the end I think one of the Greens volunteers got her chalk out and drew a line, and that was fantastic. But we were behind a pub and there were bottles of rum, and that was the line that we could not cross. I mean, it was just ridiculous. Something really clear would be really helpful.

Sarah MANSFIELD: Great. Thank you.

Rachel WESTAWAY: Thank you so much.

The CHAIR: Thank you. Thank you, Sarah. And just being conscious of time, we are probably going to have to leave it there. Thank you so much, Ms Westaway, for appearing and for the submission.

Witness withdrew.