

# **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

Jessica Wheelock, Head, Campaigns and Engagement, Australian Greens Victoria.

**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 the committee. Next to me I have Christopher Crewther, Member for Mornington and Deputy Chair. In the room we have also got Evan Mulholland, Member for Northern Metropolitan Region, and online we have got Sarah Mansfield, Member for Western Victoria, and Jacinta Ermacora, who is also a Member for Western Victoria.

I would like to welcome Jessica Wheelock to give us a summary of the Greens submission to this inquiry and also answer some questions. Thank you for the evidence that you have provided so far.

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, these comments 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 the 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.

Jessica, maybe just a brief summary of the submission by the Victorian Greens, and then we can open it up to questions.

**Jessica WHEELLOCK:** Sure. First of all, thank you so much for the opportunity to speak before the committee today. As you said, I am Jess Wheelock. I am Head of Campaigns with the Victorian Greens. I would also like to acknowledge the traditional custodians of the land that we are on today and all First Nations people who are listening in, and also to acknowledge the really powerful Walk for Truth that landed on the steps of Parliament this week.

Our submission really focused on two key areas: the first is low voter turnout and the second is a range of challenges in the conduct of the election. Turnout is obviously particularly stark in by-elections. We know that the turnout in Werribee was down by more than 5 per cent, and then the turnout in Prahran was down by more than 14 per cent, and that really follows the trends that we see in by-elections in Victoria, where over the past decade or so they have been down by about 10 per cent on average compared to a general election. They are particularly pronounced in inner metro areas like Prahran, where over 50 per cent of the population are renters, and the housing crisis really leaves people in rental houses or unstable living situations pretty disenfranchised by the system. They do not get reminders about the election, they might not know that it is on, they are not getting any information about the election at all if they have moved away, and if they have not updated their enrolment, they are not able to participate.

We have a few recommendations to address low turnout. The first is expanding the direct enrolment mechanisms through state agencies to include places like the Residential Tenancies Bond Authority and the State Revenue Office. The RTBA in particular would be very effective at ensuring that renters are enrolled to vote in their correct district, no matter how far or how often they move. We would also recommend that all voters are able to update their enrolment up to and including on election day, as they can in WA, and that the Speaker should have explicit powers to extend timelines in particular circumstances, like the election being held

over public holidays or the summer holiday period, so that they can extend those timelines out to make sure that voters can effectively participate.

On the conduct of the election, I would first like to thank the VEC for the really tough job of running two by-elections over the summer holidays – I do not envy the work they had to do – but we did receive some concerning reports, particularly around accessibility of polling places, and noted that some people showed up at polling booths that they thought were accessible that turned out to not be. So we would recommend that all polling booth accessibility information is comprehensively displayed on the website of the VEC, but more importantly, that all locations meet basic accessibility standards and, wherever the VEC is able to, they are modified to enable access to those facilities. We have a range of recommendations around supporting better conduct at polling booths as well.

Lastly, I just wanted to highlight the really difficult and tight timeline for how-to-vote card registrations in relation to the Werribee by-election in particular. It is just so important that there is enough gap between the key steps in the process of getting a how-to-vote card registered and printed and into the hands of volunteers so they can go and talk to voters. And in the case of Werribee the registration for how-to-vote cards opened the same day that voting opened for mobile voting, and it is just an incredibly impractical exercise to make sure that the how-to-vote cards are accurate and registered and compliant and then printed and distributed. We would recommend that there is at least a seven-day minimum turnaround time between the close of nominations and the opening of voting.

**The CHAIR:** Fantastic. Thank you. We might go to Sarah Mansfield online for the first question.

**Sarah MANSFIELD:** Thank you. Thanks, Jess, for your presentation and for the submission. Just on the issue of turnout, I know you have highlighted other ways to ensure that voters have their enrolment details kept up to date, by linking it to other processes they might be undertaking when they move house. In the submission you also make a suggestion about voters being able to enrol right up until voting day. Can you expand on that a little bit?

**Jessica WHEELOCK:** Yes. I mean, there are just not really any practical limitations for why this is not possible. Someone should be able to show up, up to and including on election day, with evidence of their address and be able to either enrol or update their enrolment. We know that this is what happens in WA. It is a really effective way to ensure that people are able to participate. We were having people come up to us – and I think there was a submission to this committee – saying that people had showed up on election day, they live in Prahran, they intended to vote, but they did not realise that it was something that they needed to do until the last minute. And if we were able to empower the VEC to be able to do that, it would be a really, really significant step towards ensuring participation.

**Sarah MANSFIELD:** Thank you. And on the accessibility issue, what suggestions do you have around venue selection, and what issues were encountered?

**Jessica WHEELOCK:** Yes, it is really difficult. I know that, again, 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. And so I think, first of all, I do not want to tell the VEC exactly how to do their job, but maybe it is a register of places that are accessible that they would prioritise when they are booking them, and then once the venues are booked, going to take all measures to make sure that there are ramps, to make sure that the pathways are wide enough and to make sure that the entrance between a car and the door is something that a person with a mobility device is able to navigate.

**Sarah MANSFIELD:** Yes, great. In your submission you have also highlighted concerns about escalation pathways if there are issues around, say, signage, third-party signage or behaviour and just a lack of clear escalation information and pathways for volunteers if incidents are occurring or there are concerns about a

decision that has been made at a polling booth. Can you explain that a bit more? What would you like to see differently next time?

**Jessica WHEELLOCK:** Again, 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.

Something that has worked really well for us with the Australian Electoral Commission is having a clear person that we call in the instance of an issue like that. Whether it is the local returning officer and then the actual electoral commissioner themselves, we have that clear person who can cascade the information to the relevant staff members on the ground. It just means that things are addressed in a really timely manner. We often found with some of these challenges, in the Prahran by-election in particular, it would be days and days before they were addressed, whereas in the recent federal election it would often be a matter of sometimes minutes or at the most a couple of hours. It was just much faster really and provided much-needed certainty for everyone on the ground.

**Sarah MANSFIELD:** Thank you.

**The CHAIR:** Thanks, Sarah. We will go to Christopher Crewther, the Deputy Chair.

**Chris CREWTER:** Thank you very much for your evidence here today and your submission. Some of the other witnesses, because of lower voter turnout in both Werribee and Prahran, have suggested that a mail-out might be sent to each household. Would you agree that that could be a good approach to try and increase voter turnout, particularly in by-elections where there is less awareness of an election?

**Jessica WHEELLOCK:** I mean, I think it is really important to use evidence-based mechanisms to inform voters about what is happening. Not seeing the evidence of how effective that is, I would not want to comment on that specifically. But if there is evidence that it works, then absolutely it is something that the VEC should be investing in.

**Chris CREWTER:** Thank you. A few people raised earlier that certain parties are using tactics around walking and talking and so forth. What is your view around that? It was particularly evident with the Victorian Socialists, who ran in Werribee and elsewhere. But what would be your view on that sort of tactic? It was suggested earlier by Victorian Socialists that those sorts of things should be stopped, so I would be interested in your viewpoint.

**Jessica WHEELLOCK:** It feels like an interesting concept to try and enforce. I think I am much more concerned about harassment and intimidation of voters and candidates and campaigners, because I think having a conversation with a voter is something that all political parties would want to do.

**Chris CREWTER:** I guess a number of people had reported that they actually did feel harassed with a person walking 100 metres with them continually and not allowing them to break from that conversation when they were approaching the voting booth.

**Jessica WHEELLOCK:** So on the point of harassment, 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.

**Chris CREWTER:** What would you say was your biggest concern from the by-elections?

**Jessica WHEELOCK:** Participation. If people cannot participate in an election, that fundamentally undermines democracy. Especially if there is a category of people who are excluded from an election, then that means that they are not represented in the vote.

**Chris CREWTHER:** Thank you.

**The CHAIR:** Thank you. We are going to have to go to Nathan Lambert online.

**Nathan LAMBERT:** Thank you, Chair. Thank you, Jess, for your party's submission. I think there is a lot we can all agree with. I certainly appreciate the points you have raised about accessibility at the Scout hall. Actually, has the VEC responded on that to you to date? I am not sure if I saw it in their submission.

**Jessica WHEELOCK:** I brushed up on their submission this morning, but it is quite long. I will have to take that one on notice. Sorry, Nathan.

**Nathan LAMBERT:** That is all good. We can all do that. Also, I do think it is probably worth our consideration the points you make. I mean, we just have to be realistic: the Christmas break does affect things. I think it has actually been raised with the general election that we all have to do that it is possibly too close to the Christmas break – obviously not for the actual conduct of the election. But then there are a huge amount of staffing changes and things that happen as a result of any election, because MPs win and lose and so forth, and asking people to often make difficult decisions about their careers and HR and all that sort of stuff we currently have got timed over the Christmas break as well, so it is well worth us thinking about.

Taking the point you have just raised with the Deputy Chair as the most important issue, it is an interesting idea, getting the RTBA data. You might be more up to date on this than me, but I thought that previously the VEC had been relying on the AEC for direct voter registration and just taking the data from them. Does the VEC now do that directly?

**Jessica WHEELOCK:** I believe that they are connected. I would have to take it on notice, the direct mechanism for that, but I do know that there are a number of government agencies where someone's enrolment is tied to that agency.

**Nathan LAMBERT:** That is all right.

**Jessica WHEELOCK:** Thanks, Nathan.

**Nathan LAMBERT:** I mean, that is a question we can ask the VEC. But I am just wondering, I suppose, an easier question for you: have you raised the RTBA idea directly to the VEC and are there technical or legal restrictions that would be an issue there?

**Jessica WHEELOCK:** I do not believe we have raised it directly with the VEC. I did not know that there are restrictions. But it is something we will be raising in the federal election as well when we are submitting to the conduct of the general federal election.

**Nathan LAMBERT:** Picking up on another question that the Deputy Chair asked, and I would have liked to have asked the Liberal Party director about this, but we ran out of time, the question of direct mail out to households, sort of going to your point about the fact that you do not always have the right address on that direct mail for reasons of enrolment not being up to date, and unaddressed mail – I am just trying to think. You would know better than me the timing at an election. Is there capacity to get unaddressed mail out to people to raise awareness of an election?

**Jessica WHEELOCK:** Certainly political parties are able to do it, and I think it is definitely something worth considering. I guess what that does not capture are the people who have moved out of the electorate and then would not have the mail forwarded onto them, so I guess that would be a consideration around the target audience. I guess you would capture the people who have moved into the electorate, but you would not be removing those other people from the electoral roll. So perhaps both tactics are worth considering, but it would be great to see the effectiveness of those tactics. Another thing to probably consider is that a lot of young people in particular are not spending a lot of time at their mailbox, and if you are in a share house – we know from turnout at local government elections that are held by mail that there are still groups that are excluded from those reminder tactics or even those voting tactics.

**Nathan LAMBERT:** Yes, although I am finding to my surprise on exactly your point that certainly in our part of the world in fact we find that younger people that we work with are even better at tuning out of social media ads than they are at tuning out their mailbox, and because they do not get anything by mail except perhaps the occasional newsletter from me, we get a surprising amount of feedback on them now. But it is always an evolving world. Chair, I could probably ask other questions, but I will defer to others.

**The CHAIR:** Thank you. We are going to go to Evan Mulholland, and then after that Lee Tarlamis online.

**Evan MULHOLLAND:** I have just got one question. Just picking up on a question that Nathan had, your submission mentions the turbulent housing and rental market; obviously people flowing between seats, particularly in Prahran, leads to outdated electoral rolls. I just wanted to touch on your submission that the VEC work with the Residential Tenancies Bond Authority and the State Revenue Office for direct voter registration. I just note that they have got quite heavy legislative restrictions in the collection and sharing of data, primarily through the *Privacy and Data Protection Act* and the *Residential Tenancies Act*. I believe many of the Greens MPs have been quite strong advocates of the collection and storage – the security of rental data. What assurances can you give or provide that sharing this data with the VEC would not raise privacy concerns for individuals, and how would you address potential public apprehension about this sort of policy?

**Jessica WHEELLOCK:** Privacy concerns are obviously so important, and we are very concerned with how people's data is stored and shared between agencies. It is something that has been effectively addressed at a number of other agencies, like Services Australia and the Australian Taxation Office, who obviously have very high thresholds for how they use and share data. They may be things that need to be considered for the rental tenancy bond authority as well in order to make that an effective system. That being said, I also think that people being able to effectively participate in democracy is something that would mean it is worth that work to make sure that it is high functioning and to make sure that those agencies are able to speak to each other in an effective way that empowers voters to participate while also keeping their data secure. I am sure that there are a lot of insights from those processes that have been set up in the past that could be looked into. I just have to repeat that young people, renters and people who are in insecure housing being locked out of being able to vote in a by-election is a huge concern, and this is a real, significant structural way that we could start to address that participation.

**Evan MULHOLLAND:** Do you think that could be done through better engagement and education about how to transfer your enrolment?

**Jessica WHEELLOCK:** I did see some good submissions to this committee about how to do that from a range of other organisations, and I think voter education is something that should absolutely be invested in. It is interesting, though, because – as we know from other systems like donating organs, for example – systems where you have to opt in yourself and where you have to jump over a hurdle to participate radically reduce people's ability to participate in those systems. Whereas if you have a system that is opt out, then it just so radically lifts people's participation, so I think we should be looking into those systems to opt people in.

**The CHAIR:** Thank you. I think Lee Tarlamis has got a question.

**Lee TARLAMIS:** Thanks, Jess. I just want to pick up on some of the points around enrolment – some of the discussion that has been had here. I think it was actually a recommendation from the 2010 election review, where we recommended more direct enrolment, and that was picked up on by the government. We actually legislated for a number of government organisations to be directly connected to enrolment, and one that comes to mind is VicRoads. They automatically upload the data. Previously with enrolment forms, the VEC used to do their own enrolment, but we moved to AEC enrolment forms because we had this issue of divergence between the two rolls, because there was a higher standard to get on the AEC roll than there was the Victorian roll, which is why we opted for the AEC roll application form to try and reduce that divergence. There are already mechanisms in place that have been put in the Act, I understand, around that direct enrolment, which is really important. I think if there are ways in which we can improve that, we should have a look at that.

Notwithstanding that, with regard to your point around allowing people to register and change their enrolment at any time, including on election day, in Victoria we have a provisional vote capacity where you can turn up on election day and cast a provisional vote. You can complete an application form and make a declaration, and your vote will be enveloped, and provided you can provide proof that you are entitled to be enrolled, you can

actually cast your vote. That is currently a feature of the Victorian system. That is probably more by way of a comment to see if you have any questions around that.

**Jessica WHEELOCK:** We received feedback and we received complaints from people who live in Prahran who went into a voting centre and who had evidence of their address and were not able to vote. I am not sure why those people were not able to access those systems to provide a provisional vote or a declaration vote. But there were people who gave feedback to us that they were excluded from voting, even though they had evidence that they were eligible to.

**Lee TARLAMIS:** It might be a question we can raise with the VEC later today as well when they come in.

**The CHAIR:** That was going to be my suggestion. Maybe we will raise that with the VEC.

**Jessica WHEELOCK:** Yes. Wonderful. I think the first submission as well was someone talking about their experience of attempting to vote. It was one of the submissions to the inquiry that I was reading.

**Lee TARLAMIS:** Thanks.

**The CHAIR:** We have got 5 more minutes. Nathan, you said you had a couple more questions. If there is nobody else that has not asked a question, fire away, Nathan.

**Nathan LAMBERT:** The other one I was going to ask was going to the harassment and the intimidation – that is of course completely unacceptable – which you raised in your submission. You might have picked up this. This was in an earlier conversation we had with Paul Hopper and Joe Garra, who similarly asked for the VEC basically to be out there roving around more, observing what is happening and then enforcing good behaviour. I suppose they were raising it for a slightly different reason, but they were looking for the same mechanism: a much more active VEC, where you would have people enforcing good behaviour on those campaigning. I just want to ask you, as I asked them: it sounds great; it is probably very, very difficult to do in practice, especially on a general election day when the VEC, as you have noted in your comments today, are required to do so much work bringing together so many staff. That particular job of recognising what is harassment, where the line is drawn between harassment and genuine political engagement and then being able to clearly direct and enforce people who are often trying to push the boundaries to stay within those boundaries, is a very difficult job to ask the VEC to do. If it ultimately came down to choice and we thought, ‘Look, it’s sort of impractical, and the only choice we’ve really got in front of us is either to have this sort of behaviour continue or to get rid of campaigners full stop,’ as they have done in the ACT, would your view be that we go down the ACT path, or do you think ultimately, even if it came at the cost of some of this really worrying harassment you have talked about, that fundamentally the opportunity for people to talk to campaigners on the way into the booth is worth keeping the status quo?

**Jessica WHEELOCK:** I love talking to voters; I imagine everyone here feels the same – you know, being out there on the booth and having a good chat with people. I also like talking to other campaigners. I think it can be a really affirming democratic experience to participate in. So I would not be inclined to go down the path of people not being able to engage in that. It possibly does make it difficult if you are a smaller party or an independent who does not have the same funds as some of the bigger parties to be able to participate in those processes. Sorry, I am losing my voice; thank you for staying with me. 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. I guess the other one that could be considered is just having those fast escalation points. My experience in the federal election was that even an AEC staffer being notified about behaviour that was happening and having a shared understanding that, ‘Look, that’s not on’ – they cannot arrest them, they do not have powers to kick them off the booth, but they can go out and have a chat to them and say, ‘Look, it’s actually not the standard of behaviour that we expect’ – actually de-escalated so many things in the general federal election, which was an extremely busy election as well. So I think there are other pathways that we would go down before we consider shutting down that campaigning on the booths overall.

**Nathan LAMBERT:** Thank you. If I can, Chair, one other question: just going back to the turnout at Prahran that particularly was notably down, there is a pattern I think. It is obviously not possible to know precisely why it is that people do not turn up to the polling booth, but we notice that when one of the parties

chooses not to contest, you get a further drop-off. That probably represents some of the people who like voting for that party simply do not bother when their party is not there. There is certainly a pattern of that, and I think there is a bit of a tendency for some voters just to skip by-elections because, for whatever reason, they feel they are less important than a general election, in the judgement of those voters. It is raised sometimes that a way to address that would be to increase the fines for not voting and also increase the enforcement of those fines, which, as we all know, is certainly not 100 per cent. There are pros and cons to that, but do you have a view?

**Jessica WHEELLOCK:** I would say that the fines as they are are probably quite a lot for people on a low income already, and they are probably next to nothing for someone with a lot of financial privilege, so I feel like increasing fines – there might be a causal effect between doing that and increasing participation, but I just do not think it would be an equitable one.

**Nathan LAMBERT:** Could you means-test the fines?

**Jessica WHEELLOCK:** Maybe we could means-test fines; there is an idea, but I think there are a lot of other pathways that would be worth exploring first before I guess punishing people and making them feel even less inspired and excited to go out and participate in democracy.

**The CHAIR:** Thank you. Thank you, Nathan, and thank you, Jess. We are going to have to leave it there because of time. Thank you so much for appearing today. If you have got anything more to submit, just send it through to the committee.

**Witness withdrew.**