

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witnesses

Ms R. Williamson, national advocacy manager, and

Ms P. Cooney, business development manager, Vision Australia.

**The CHAIR** — I issue a very warm welcome to members of the press. I do not know if there are any members of the media here; they are not making themselves obvious, but welcome to them anyway. The committee today is hearing evidence on the inquiry into the 2010 Victoria state election and matters related thereto.

I welcome the witnesses, Ms Williamson and Ms Cooney, to this public hearing of the Electoral Matters Committee inquiry into the state election and matters related thereto. All evidence related to this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003 and the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation of other Australian states and territories. That is pretty much covering all bases, I would have thought. I also wish to advise witnesses that any comments that you make outside the hearing may not be afforded such privilege, so in here, say what you like; outside you are fair game.

Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

**Ms COONEY** — Yes, we have.

**The CHAIR** — I ask you each to state your full name and business address.

**Ms COONEY** — I am Patricia Cooney, and I work with Vision Australia in Kensington at 346 Macaulay Road.

**Ms WILLIAMSON** — I am Renee Williamson. I am at Vision Australia, located at 454 Glenferrie Road, Kooyong.

**The CHAIR** — I think you have probably indicated the answer to this question, but are you attending in a private capacity or representing an organisation?

**Ms WILLIAMSON** — We are representing Vision Australia.

**The CHAIR** — You should be aware that the evidence will be taken down and will become public evidence in due course. I will invite you to make a verbal submission for a little period of time, and then we will open it to questions following the address. I ask you now to begin however you feel.

**Ms COONEY** — Thank you, Bernie. I am Tricia Cooney, and my role at Vision Australia is to work with information providers, which includes all levels of government, to develop communication strategies and produce alternate format materials to meet the needs of people who are blind or who have low vision or have a print disability. With me is Renee Williamson, who is Vision Australia's national advocacy manager.

We would like to thank you very much for the opportunity to appear here today. We are at Vision Australia the largest provider of services to people who are blind or have low vision, and we are absolutely passionate about ensuring that the people we work with are able to participate fully in every aspect of life they choose. As such, we work with the electoral commissions around Australia to assist them to communicate effectively with people who are blind or have low vision and to make it possible for those people to be able to cast a secret, verifiable, independent vote, as is their right.

We would first like to congratulate and applaud the Victorian Electoral Commission who have made information accessible to people who are blind or have low vision. All through the election they produced the material in alternate formats such as audio and braille and large print. I should have brought some copies with me, but I did not, and I apologise for that, but certainly if you would like them, I can get them for you.

This information — the election guide and information about braille ballot papers and information about the electronic voting system — was all sent to people who are members of our library, and it was sent to people who are members of Blind Citizens Australia and promoted and available to all Victorians who are blind or have low vision, so that people had all information they needed about the election, where to vote, how to vote, all the electronic voting information, and all the election guide information, so that was absolutely fantastic. We strongly applaud the Victorian Electoral Commission for that.

We undertook several mail-outs out with that, so we sent the information directly to people, to the target audience, which was really great. We can determine which people require audio or braille or large print and we

sent that information in the format of their choice, so they had the information in their preferred format as the mainstream voters did.

We also must commend the VEC's commitment, their consultative approach and the hard work that was undertaken to provide the means for a secret, independent and verifiable vote for all Victorians. During the planning and implementation of that project — the electronic voting system — testing was conducted at many points, demonstrations were conducted, mobile voting centres were provided, and all along it was made quite simple for electors to access the equipment and see how it worked. There is always some difficulty for people who are blind or have low vision in attending centres and being able to get to various places, firstly, to go through the testing of the equipment and, secondly, to actually go to a polling place where the equipment is in order to cast their vote. That remains an issue, but it is something I am sure we can look at.

At the core of the barriers restricting people who are blind or have low vision from participating fully in the system is the fact that across their lives many people have been denied the right to access the relevant information or to cast an independent vote. This lack of participation and information can obviously result in a certain ignorance around civic matters and the process. We became aware of this during the Victorian election because there were a lot of questions. Even though people received the guide and all the information they needed, there is still some ignorance out there about civic matters and the voting system, including the preferential voting system, the role of the upper and lower houses, and other general information. We are looking at ways to redress that. We think there is now an opportunity to provide some training and information services to fill this gap. Renee has recently worked to set up a program in Queensland with the QEC. We hope the AEC and, since this is under privilege, we hope the Australian Human Rights Commission — —

This will be a civics education program. It will be run first in Queensland, and we will be looking at perhaps leveraging off that to run it across other states of Australia. We think civics education remains a bit of a gap, particularly, as I said, for the people who to a large extent have not had the opportunity to access the voting system up until this time. That would form a strong base from which to further expand and enhance the systems provided for people to vote independently.

I feel like I am just talking at you.

**The CHAIR** — We are taking it in. Do not worry.

**Ms COONEY** — Is that okay just talking at you? Lecturing from the back?

The feedback from our clients since the introduction of electronic voting in Victoria in 2006 has been overwhelmingly positive and appreciative. The numbers are not high, but we know there are various reasons for this. We know cultural change takes time and also that there are other issues, which we will address in a moment. In the 2010 election the availability of electronically assisted voting was expanded significantly, as far as is possible under the current legislative environment. As I mentioned, all the relevant information was provided to members of our library and others who requested it, with two mail-outs in the accessible format of their choice. Braille ballot papers were also available on request.

Vision Australia also assisted the New South Wales Electoral Commission with the iVote system, which was adopted in the state election in March this year. This system gave voters the options of utilising a telephone voting system or utilising internet voting using a personal identification number and with no human intervention required. Don't we love that? Even in the supermarket now you can put your own things through — no human intervention! Both systems could be used from any premises, allowing persons to vote from any location. This was a flexible option and allowed greater access, unlike the Victorian system which, due to the legislation, required voters to attend a polling centre to access the electronic voting system. While we believe it is important to maintain a system where voters attend a polling centre to cast their vote, the iVote system does provide another layer of accessibility. It was also offered to other categories of voters such as anyone with a disability, anyone who would be out of New South Wales on the day and those in remote locations. This created a more mainstream process with universal design and implementation. We see this very much as part of the future of accessible voting in Australia.

In relation to the physical access to the polling centres, there were still some issues in this regard. We know efforts were made by the Victorian Electoral Commission to address those issues, but problems still remain with people accessing the centres. We know people in wheelchairs and others too had some problems. It was

suggested that some kind of system, like a universal mobility index or some tool of that nature, be used to check through the centres that are being used to give the VEC a tool to determine the level of accessibility for each of the polling centres. I may be corrected, but I think the electoral commission has information about that in their disability action plan. Is that right, Renee?

**Ms WILLIAMSON** — Yes, that is right.

**Ms COONEY** — That is something that is going to be looked at.

We had Vision Australia centres at Kooyong, Ballarat, Shepparton and Warragul that we used as early voting centres, and mobile units were sent to Geelong, Kensington, Bendigo, Dandenong and Mildura. This also provides a level of comfort and familiarity to our clients when using the new system. That was greatly appreciated.

While we move forward with electronic voting options, it is important that the need for accessibility at voting centres is not lost. We believe that as a diverse society we should offer a selection of voting options, and this includes the right to attend a polling both to lodge your vote.

Another area where a gap still exists is the provision of information produced by parties and candidates. People who are blind or who have low vision have no or limited access to policy documents, information on television advertisements, how-to-vote cards and information about preferences. In this regard people may be inadvertently denied the right to make an informed choice. We strongly urge members of the committee to lobby their own parties and/or campaign teams to find ways to make this important information accessible. We would be happy to work with you on this very important area.

Finally, our clients who are blind or who have low vision have benefited greatly from the excellent work of the Victorian Electoral Commission in providing accessible information and the means for a secret, independent ballot to be cast. We urge the committee to review legislation which may stand in the way of developing the system further in line with the iVote system in New South Wales to ensure we have a truly democratic choice about how and where we can pass out independent and secret ballot. We thank you very much for the opportunity to participate in this process today.

**The CHAIR** — I will throw the floor open to questions from members of the committee, but can I just ask one to start with?

**Ms COONEY** — Yes.

**The CHAIR** — How many people do you think are disenfranchised by this particular disability?

**Ms COONEY** — Disenfranchised to what extent?

**The CHAIR** — From both. How many are prevented from voting?

**Ms COONEY** — Our research has it that there are close to 100 000 Victorians who are blind or who have low vision. I suppose you could say 100 000 Victorians.

**Ms WILLIAMSON** — But I would say that number would be significantly higher if you were to include print disabilities in that number.

**Ms COONEY** — Yes, I am just getting to that. We have research that was conducted in 2007 for radio for the print handicapped — which is exactly what it says, it is a radio for the print handicapped service — across Australia. That was to determine the size of its audience. That research showed that there are approximately 700 000 Victorians who have a print disability or experience a print disability, which means difficulty accessing standard print or unable to access standard print.

**The CHAIR** — But how many of those do you think actually are prevented from voting because of that disability?

**Ms COONEY** — People have all sorts of different ways of voting, and Renee can probably talk about that too, but I would think a lot of the older Victorians may be now accustomed to having someone cast their ballot for them.

**Ms WILLIAMSON** — I can speak from my own experience to that. Even as a very young woman I had to go to the polling centre with my father and have my father help me fill in my vote, which is of course not secret. We also have very different political opinions. He would always say, ‘You’re not voting for them, are you?’. It was a disadvantage. However wonderful my father is, it was a very big disadvantage. Even when voting with the help of an election staff member, I never felt comfortable to vote beneath the line because I knew how much of the staff member’s time that would take. Even though I was able to cast a vote, it was not independent, not secret and not verifiable — I trust my father wrote down the right thing. More than that, there was a lack of dignity in that I could not take my time and could not do what I would choose, which is to vote beneath the line. Even when people have access to a vote and a vote with reasonable independence, it was not necessarily optimal.

**The CHAIR** — Given you have said that the situation of having someone either fill in the ballot paper for you or offer that degree of assistance is not ideal — is in fact far from ideal — what degree of assistance is available now at polling booths or early voting centres?

**Ms COONEY** — What degree of assistance is there for people who have no vision or who are blind?

**The CHAIR** — Yes.

**Ms COONEY** — There is assistance available, but it is not to cast a secret, independent ballot. That can only be done by using the electronically assisted voting or in New South Wales there is the iVote.

**Ms WILLIAMSON** — We at Vision Australia work with election staff to make sure they are conversant in how to give a person who is blind or has low vision orientation and mobility to the centre so that a person does not feel uncomfortable in that environment just to get around or feel uncomfortable that they might fall. We work with them quite closely.

**Ms COONEY** — There is on-site guidance so that they can help people. As far as actually casting the ballot goes, you would need to access electronically assisted voting, or a braille ballot paper at this stage to cast an independent, secret ballot.

**Mrs VICTORIA** — I had a person who is known to me who is quite low vision come to the polling booth, and he asked for my assistance as the candidate to go in and cast his vote. I felt very uncomfortable doing that. He was voting my way, which was fine, and he felt comfortable enough asking me to do that, but it obviously put me in a predicament, because I had to enter a booth and I had to talk to the VEC staff and say, ‘Is this allowable?’ and they said, ‘If you are his choice, as far as being a carer as far as this situation goes, then yes, you may’. It was still fairly uncomfortable. Do either of you know or have directly spoken to somebody who has used the iVote system, and what are their experiences of it? I am asking you, I guess, third-hand.

**Ms WILLIAMSON** — In New South Wales?

**Mrs VICTORIA** — Yes.

**Ms COONEY** — We can both speak about that, but Renee can.

**Ms WILLIAMSON** — Even my colleagues from Vision Australia in New South Wales who use the system and also clients who I have spoken to in New South Wales who have used the system had only good things to say. As a vision-impaired person, I am on a number of blind email lists where people spoke about their experiences using the iVote system. It was overall quite positive. People liked that they could do it from their home. As a blind person, I get out and about in the community, but not everyone is in that situation. A number of our clients are from an older demographic. It can be difficult to get to a new site or something like that, so being able to vote from your lounge room can be really beneficial.

**Mrs VICTORIA** — Can I add to that then that you mentioned older people with vision impairment or blindness. Knowing that older people full stop sometimes have resistance to new technology and do not phone banks and do not use the internet — it is some of them — is it then precluding them again, because they are not

sure of how to use the telephone system? Even with guidance they may feel unsure and may have to have somebody with them, so again it would not be a secret ballot. How many people who were in that category have access to the internet?

**Ms WILLIAMSON** — I cannot quantify that. I could certainly speak anecdotally about that. I think people who are blind or low vision often have a need for technology and therefore are quite conversant in it. However, some of our older clients perhaps are not in that boat, and I guess that is where it is important that a person can cast a vote in a different way. The population of the blind world is similar to that of the sighted world, where some of us are better at technology than others, so that choice is really crucial in that age demographic.

**Ms COONEY** — I also think that most people are able to use the telephone keypad. It has been my experience, when we have worked through these systems and such, that the telephone keypad is something that people can use and relate to. For the demographic that Renee is talking about — the older group who may not be accessing the internet — the telephone system can often be the right way.

**Mr SOMYUREK** — Before I ask my question, just a point of clarification. You mentioned the print disabled. Does that include people with dyslexia, for example?

**Ms COONEY** — Yes, it does.

**Mr SOMYUREK** — That is about 10 per cent of the population, I guess. From 2006 to 2010 have there been areas of improvement, or have we slipped back in some respects?

**Ms COONEY** — I think there has been vast improvement. I think the system, as it was used in the 2010 election, if we are talking about the electronically assisted voting system, was improved greatly. It was advanced in that we had it available at 85 polling centres, where previously it was at 6. It has been advanced as far as can be, I think, in the current legislative environment.

**Ms WILLIAMSON** — I think what Tricia said is absolutely true. The availability was such that it was a definite improvement, and also the VEC worked so closely with Vision Australia, again, always seeking to improve the methods. Tricia speaks of the telephone keypad that everyone can use, no matter what age group they are from. The VEC worked with us very closely on simple things like where to put velcro or tactile indicators on the telephone keypad so that anyone could use that keypad quite easily, even if they had a bit of sensory loss due to things like diabetes. It was nice and accessible and easy to use. We tried to make it as simple as possible. I think there were real improvements in that area, and anecdotally clients have indicated that to me as well.

**Ms COONEY** — There was a lot more work done on training as well. There was a lot more work done on testing the equipment, and there were vast improvements.

**Ms RYALL** — My question relates to the early polling voting. I want to preface this by saying it may be the desire of some vision-impaired people to attend a polling booth on polling day. That aside, given that there were around about 100 early polling centres and they actually had extended hours and were open until the evening, what do you think can be done to improve the opportunity to attend when it is less rushed for space or time and there is the electronic option? What do you think could be done to improve the attendance of vision-impaired people?

**Ms WILLIAMSON** — It is my personal belief that education is a key to that. I think if you have lived your life for many decades as a blind person, you have got used to a lack of information access and to other people having to assist you all of the time. That becomes a way of life. Some of the clients that spoke to us about being able to vote independently were moved by it. It sounds like such a simple thing to be moved by, but if you have never done that yourself, that can be a really empowering thing. I think, though, there is still a lack of understanding about civic processes, and I think that if people are more engaged in a civic process, that will help us with numbers. The opportunity to vote prepoll is a great one for being able to take your time through the voting process, particularly if it is a new process. If people were voting for the first time independently, it was really important that they could take their time and go through the vote how they chose, voting beneath the line, sometimes for the first time in their lives.

**The CHAIR** — Speaking of time, we are fast running out of it. There was one question that I wanted to ask, and I must declare I have a vested interest in this. You mentioned political parties getting their message across to blind voters and your ability to assist political parties and candidates with that. I would be interested to hear, in a nutshell, how you would go about that.

**Ms COONEY** — It is all very time sensitive. That is an issue. At the moment, if you are looking at a Victorian election and you are looking at the policies and the platforms on which the parties are standing, the people we work with do not have access to that information, generally. What I would encourage the parties to do is to provide that sort of information, which we can then put into an accessible format so it is available to people. It can be delivered to people, for that matter. I think that would be a huge step forward. It is very time sensitive getting how-to-vote cards put into an accessible format in time, but it is not something that cannot be done.

It is also something we talked about that perhaps could be done by setting up a phone system where people can give that information over the telephone to a caller. The caller, not identifying themselves, could ask for the information. The information is available on the electoral commission website, but it is not accessible there, so people could call and someone could tell them. We thought, at one stage, of offering such a service to the parties and saying we could set that up and perhaps have people who are used to dealing with people who are blind or have low vision give that information. There are various ways.

**The CHAIR** — I am sure there would be a great deal of interest from the committee to discover how we would get our message across.

**Ms COONEY** — It is very important, because you are not making an informed choice if you do not have that information.

**The CHAIR** — Yes, absolutely; I could not agree more. Our time has expired. Thank you very much, Tricia and Renee, for your submission today and answering a number of questions. You have given us quite an insight into your situation and the views you have put across. You will receive a copy of the transcript in about a fortnight; not that there are ever any typos from Hansard, but if there were, you would have the ability to correct those but not change any of the substance of the transcript. Thank you very much indeed; it is much appreciated.

**Witnesses withdrew.**

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### Inquiry into the conduct of the 2010 Victorian state election

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Chair: Mr B. Finn

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#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witnesses

Mr P. Thomson, chairperson, and

Ms C. Williams, former chairperson, disAbility connections (Victoria).



**The CHAIR** — Welcome, Peter Thomson and Christine Williams, both from disAbility connections (Victoria). I should explain to you that all evidence at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I advise witnesses that any comments you give outside this hearing may not be offered such privilege. Have you read the pamphlet *Guide to Giving Evidence at a Public Hearing* that the committee has provided?

**Mr THOMSON** — Yes, I have.

**Ms WILLIAMS** — Yes, I have.

**The CHAIR** — A very good read! Thank you very much indeed. Now I ask you both to state your full names and business address.

**Mr THOMSON** — Peter Thomson. I am not working at the moment. My home address is 13 Compton Parade, North Sunshine, but I am representing disAbility connections (Victoria), 81 Cowper Street, Footscray.

**Ms WILLIAMS** — Christine Williams; the same business address: 81 Cowper Street, Footscray.

**The CHAIR** — The evidence taken now will become public evidence in due course. I ask you to give a verbal submission to begin with, and we will then open the hearing to questions by members of the committee.

**Mr THOMSON** — Before I start, I advise that there is no ‘p’ in Thomson.

**The CHAIR** — There is another Thomson like that around.

**Mr THOMSON** — On behalf of the 1000-plus members of disAbility connections (Victoria), formerly Western Region Disability Network, I thank you for allowing us to comment today on the conduct of the 2010 Victorian state election and also offer you some suggestions that some of our members have given us. Many of our members have already given feedback to the VEC about some of the barriers that remain for people with disabilities. Most of these have been included in the VEC’s disability action plan 2011-2015, and I have had the privilege of being an active member of the VEC advisory group that was involved in formulating this plan.

On the whole we felt that the 2010 state election was very well run. The accessibility rating system for venues was very helpful. We applaud the introduction of electronic voting for people with vision impairment but would like to see that broadened to include people with other disabilities, the aged and eventually the general population. We also applaud the mobile voting units, early voting centres, postal voting and braille voting papers for people who are unable to vote at a polling centre for whatever reason.

Although we fully acknowledge that VEC has worked tirelessly to make improvements for people with disabilities over the last three years, we would like to point out some problems that were brought to our attention. Accessibility is the biggest complaint with some 75 per cent of venues still not being fully accessible at the last election. What made matters even worse was the fact that many early voting centres were not accessible either, or if they were, some did not have wheelchair booths available. We appreciate that this has decreased from approximately 90 per cent being inaccessible in 2006.

People with intellectual acquired brain injury and other neurological conditions need support to cast their votes. This would involve a support person going into the booth with them. At the moment this is not an acceptable practice. In some polling booths workers will supply required support, but in very busy booths or at busy times it can be difficult to access this assistance. Without this assistance, people run the risk of voting informally, even though that is not their intent. This is a problem also faced by some new voters, the aged, new citizens and people with literacy issues. We are not sure of the process to alter this, but we do ask the committee to consider it.

Also related to this is the action taken by some people in the community, usually with the best intentions, when they decide that a person cannot possibly make an informed voting decision and therefore do not assist them to enrol to vote. To counter this problem we would like to propose that the committee look into an opt-out rather than an opt-in enrolment system, as is currently the case.

We would also like to see more training for people manning the booths, particularly early voting booths as these are attended by a large number of people with disabilities. We were extremely pleased with the increased numbers of people with disabilities working at voting centres as they have a much better insight of how to give assistance to people with disabilities, and also it gives them an opportunity for paid employment whilst contributing to the community.

We hope that these suggestions are looked upon favourably by this committee and look forward to continuing an excellent working relationship with the VEC. My colleague Christine Williams, a long-term member of disAbility connections (Victoria) management and former chair, and I thank you and welcome this opportunity to answer any questions.

**The CHAIR** — Thank you very much, Peter. We will open it to questions now. Christine, do you have anything to add to that at this moment?

**Ms WILLIAMS** — No, I thought I would try to play the supportive role.

**The CHAIR** — Very good. I am sure you will do it marvellously.

**Ms WILLIAMS** — You are so kind.

**The CHAIR** — I am interested to know about — and this is something that has crossed my mind many, many times — the ability or the capacity to vote. You mentioned that some people take it upon themselves to decide that others do not have the capacity. Where do you draw the line? Who decides? What is the line that one crosses when deciding who should vote and who does not have the capacity to vote?

**Mr THOMSON** — Obviously that is a difficult one. At the moment, as far as I am aware, and I have also spoken to a number of other people, it seems to be, for example, the person in charge at a nursing home or that type of thing. Often we find that people who may have acquired brain injuries et cetera, some days they can be reasonably good and some days not. So obviously it really needs to be assessed on the day and maybe doctors need to have more input into this. At the moment people with acquired brain injuries do not really have the chance to have a say. A lot of them are not even enrolled for that simple reason. Even if they are enrolled and then it turns out on the day that they do not have the capacity to vote, then that could be handled at the time. But they at least should have the opportunity. Yes, definitely doctors need a lot more input into it. At the moment it is basically left to the person in charge.

**The CHAIR** — What about a situation where somebody is not in a nursing home but in a family situation, or whatever it may be, somebody maybe even with down syndrome or something like that. Is it basically left to the carer or the parent?

**Ms WILLIAMS** — Can I answer that? I see it as a human rights issue. I see it as each of us who are of adult age should have that right. My experience is that there are many people who would be considered able-bodied and intellectually of sound mind who will cast a dummy vote. I do not see why just because we happen to be branded, labelled in a certain way, we do not have that same right. But I think that there should be some provision that if we choose not to exercise our human right to vote because we feel that perhaps we do not understand fully or whatever, then it should be our right to be excused, shall we say. I see it similarly to, I believe, if you are 75 plus — and I am heading in that direction — and you can say, 'I do not want to vote'. But I also want to have the right, if God allows me to live that long, to be able to still vote if I am what I consider to be of sound mind.

**The CHAIR** — Christine, we are all heading in that direction.

**Mrs VICTORIA** — Anecdotally, and an answer from either of you would be fine, do you know of circumstances from within your network where people have wanted to vote a certain way and have been under duress to vote a different way or have felt as though their wishes were not carried out by the person assisting them?

**Mr THOMSON** — Yes.

**Mrs VICTORIA** — That was resounding.

**Ms WILLIAMS** — I am not aware of it but I would assume that it is quite common practice.

**Mrs VICTORIA** — Okay. Peter, what is your experience with it?

**Mr THOMSON** — It has been mentioned to me by a few people who have not actually been in a nursing home but instead in more of a family environment. They have had no choice whatsoever. It is basically the carer at home who has said, 'Well, that is the way that I vote so that has to be your vote', and it has not been the way that they have wanted to go. So, yes, there are a number of occasions I know of, which is totally unfair.

**Mrs VICTORIA** — How do we get around that? An opt-out system would mean that there would be no vote cast at all but at least it would not be in the wrong way.

**Mr THOMSON** — Again, it is a difficult one. I think there needs to be input from outside of the family, whether that be from the doctor or whoever, as to whether they believe that these people are in a position to vote. But again, as we stated earlier, people at least need to have that opportunity to be enrolled, and that is often not even happening. So they are not even getting to the stage where somebody else will vote against what they want.

**Ms WILLIAMS** — If I could add to that. Coming from an ethnic background I can see that your question is broader than just disability. I also come from the west. I grew up in that environment where traditionally westerners voted Labor — —

**The CHAIR** — It is changing though, Christine.

**Ms WILLIAMS** — Sorry?

**The CHAIR** — It is changing.

**Mrs VICTORIA** — He has hope.

**Ms WILLIAMS** — I am very, very proud of being working class and a westerner. That is my experience. That is slowly changing. But people feel that if they do not vote in accord with the way their forebears voted, then they are traitors. I guess as a person with a disability from an ethnic background I would like to see trained persons take an oath that they will support in a neutral way the wishes of that person. Okay, that might be challenging for you as a committee and what have you, but I think that it is something that perhaps you could rise to because I think that you would find that it would help a broad cross-section of our community beyond just disability. I think it would also send out a really strong message to the community that we have our rights.

**The CHAIR** — I am fascinated to hear what you say, Peter. It seems to me, without consulting the Electoral Act, that there is a breach at least in the spirit if not in the letter of the law. Should we, if that is not already covered in the Electoral Act, ensure that the Electoral Act covers those who misuse another's vote in this way? Would you agree that a heavy fine at the very least should be imposed on someone who would do that?

**Mr THOMSON** — Definitely. As you say, it is going to be a difficult one to implement; but if it can be done, I would totally agree with that.

**Mr SOMYUREK** — Just a point of clarification again. You agree — just in terms of opt-out and opt-in and what we mean by that — that our electoral system now is an opt-out system.

**Mr THOMSON** — Yes.

**Mr SOMYUREK** — It is mandatory but for some reason there is dispensation for people not to vote provided they fulfil certain criteria. What you are saying is that you are somehow barred from voting if you have a disability. Who reports to the VEC or the AEC on whether you have a disability and you cannot vote? From the perspective I come from everyone has to vote unless they opt out. Who is given that power? The carer?

**Mr THOMSON** — It really depends on the circumstances. Often if the people are at home, it would generally be the carer. That could be husband, wife, daughter, son, whatever. At nursing homes it could be the person in charge; it obviously depends on the situation.

**Mr SOMYUREK** — Here you say ‘rather than the current opt-in process of deciding whether a person with a disability is capable of voting’. In what way is it opt in? I cannot understand.

**Mr THOMSON** — I may have been a bit ambiguous with that. What we are basically saying is that everybody is on the roll and if circumstances arise where they are not in a position to vote or whatever — —

**Mr SOMYUREK** — They can opt out.

**Mr THOMSON** — Yes. My wording may have been a little ambiguous.

**Mr SOMYUREK** — So we do not have a current opt-in model, we do not have a current opt-in process?

**Ms WILLIAMS** — Can I just question that? My understanding is that to be a voter you have to register to be on the electoral roll.

**Mr SOMYUREK** — That is right.

**Ms WILLIAMS** — I have a long-term friend who is very proud of never having voted in this country but criticises the government. As far as I am concerned that is nothing to be proud of.

**Mr SOMYUREK** — No.

**Ms WILLIAMS** — Perhaps you can check with things like we have just been through with the Australian Bureau of Statistics or whatever that there are X amount of adults living in a particular space. I do not know whether it can be incorporated into the census or what have you where you check that if someone is between the age of 18 — is it 18 or 21; I am sorry, I am very ignorant on that — to 75 or what have you and if they are not on the electoral roll, perhaps ask the question why?

**Mr SOMYUREK** — We addressed that in the last committee, and we then introduced legislation covering a lot of people. We introduced automatic enrolment, so we did go some way towards addressing some of those issues.

**Ms WILLIAMS** — Okay.

**Mr SOMYUREK** — But obviously we have not captured everyone.

**Ms WILLIAMS** — No. But that, to me, would be the opt in — or rather you have got to opt out — as long as you capture those people. If they are not voting, then what is the reason? If I do not vote at my local council elections, I get a letter saying, ‘Please explain’.

**Mr SOMYUREK** — That is right, so it is an opt-out system. That is why I cannot understand — —

**Ms WILLIAMS** — I see what you mean.

**Mr SOMYUREK** — I cannot understand why. I cannot understand when you say that rather than the current opt-in process of deciding whether a person — I am trying to figure out how come it is an opt-in process.

**Ms WILLIAMS** — I am assuming it is because you have to register to be on the roll — or in the past, historically.

**Mr SOMYUREK** — So it is a registration process rather than voting.

**Mr THOMSON** — Sorry, that is what I am actually talking about.

**Ms WILLIAMS** — You have to remember our former executive officer wrote this and I would say it is the registration. Peter, would you agree? I think it is the registration process.

**Mr THOMSON** — Definitely, yes; that is what we are talking about.

**Mr SOMYUREK** — Registration rather than — —

**Mr THOMSON** — Yes. It is probably not written very well. I apologise.

**Ms RYALL** — You spoke, Peter, of a 75 per cent lack of access at polling booths. I wondered is there a particular nature of that access that would make up the bulk of that 75 per cent? What do you see it as, and how do you think it can be improved?

**Mr THOMSON** — It is very varied. Obviously some of the 75 per cent are completely inaccessible to someone in a wheelchair. Another one may have, say, a step where somebody on crutches or whatever can manage that step but obviously someone in a wheelchair cannot. They are really very varied. Just as an example, Preston was a very bad area at the last election. I believe the feedback we got was that not one polling booth was fully accessible. It is very varied.

Another example might be that there are no handrails or no tactile material or anything and somebody who has a sight problem would find it hard to manage. There is no set thing; it is very varied. We spoke about this at the VEC when we were doing the disability action plan. We said that maybe the rating system is good but it may need to be broadened to say, okay, it is inaccessible to somebody in a wheelchair but it has a step so for people who can manage a step it is fully accessible. I believe a lot of that has been done in the action plan, so some of that will definitely be addressed.

**Ms RYALL** — That 75 per cent, where did that statistic come from?

**Mr THOMSON** — The 75 per cent was from the VEC.

**Ms RYALL** — How do you think it can be improved?

**Mr THOMSON** — As discussed at the meeting, it is a difficult question because a lot of these places are schools. One suggestion we put up, and again I would like to suggest it to you, is that we have a lot of schools where students have projects. Maybe they can look at doing some temporary ramps and things for people as part of their projects. Another one is work for the dole. Again, maybe coming up to an election there can be some jobs put out there for people to build things et cetera. There are ways around it. We are never going to get 100 per cent but we need to aim. I suppose a good point is, as I said, it was 90 per cent in 2006, so it is moving in the right direction. It is a slow process, but we are certainly pleased that it is going forward and not backwards.

**Ms WILLIAMS** — And if I am allowed to add that even if you wanted to consider some portable ramps, they are very inexpensive nowadays and perhaps you could share them with other government departments, organisations or what have you. I have a ramp in my home that I can take with me wherever I go. I do not think that a ramp would go astray anywhere. I think it would be a good financial investment.

**Mrs VICTORIA** — You said they are not expensive, what sort of price are they?

**Ms WILLIAMS** — It depends on whether you want to go up one or two steps. Mine is about 1.5 metres long; it probably weighs about 10 kilograms and it would take two steps, and you are looking probably at a price of about \$200. If you bought them in bulk, I am sure you could knock that down a lot further. So really when you are talking about finances, when you think about what is spent on elections, you are not talking a lot of money.

**Mr THOMSON** — Particularly with schools and things, even if the schools were to apply to the government for grants to get them built because somebody is in a wheelchair in the school, what do they do? Do they not attend? So it would be beneficial not just for elections but for other things as well.

**The CHAIR** — Okay. Any further questions?

**Ms WILLIAMS** — Sorry. I thought you looked very eager before.

**Mr TARLAMIS** — My questions were raised by other people, so there is no point.

**The CHAIR** — Christine and Peter, thank you very much for being with us this morning. Much appreciated, thank you.

**Mr THOMSON** — Thanks very much.

**Ms WILLIAMS** — Thank you. Bless you.

**Mr THOMSON** — When will this report come out?

**The CHAIR** — You will get a copy of the transcript in a couple of weeks. You can correct any typos, but not the substance.

**Witnesses withdrew.**

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witness

Ms C. Basterfield, Speech Pathologist, Scope Communication Resource Centre.

**The CHAIR** — Welcome to the hearing of the Electoral Matters Committee. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise witnesses, and this particular witness, that any comments made outside the hearing may not be afforded such privilege. Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

**Ms BASTERFIELD** — Yes.

**The CHAIR** — I ask you to state your full name and business address, please.

**Ms BASTERFIELD** — Yes. It is Catherine Anne Basterfield, 830 Whitehorse Road, Box Hill.

**The CHAIR** — Are you appearing in a private capacity or representing an organisation, and if so, which organisation?

**Ms BASTERFIELD** — I am here representing Scope, in particular the Communication Resource Centre.

**The CHAIR** — I ask you to begin by giving a verbal submission and then we will open it up to questions and take it from there.

**Ms BASTERFIELD** — Certainly. Thank you very much for this opportunity. What I have done is just a synopsis of the recommendations that we submitted. It was on behalf of a number of departments of Scope. Scope is one of the largest disability organisations in Victoria.

#### **Overheads shown.**

**Ms BASTERFIELD** — It just is a reminder that we operate very much under the UN Convention on the Rights of Persons with Disabilities, and my focus very much is around communication — I am a Speech Pathologist — and we look at freedom of expression and access to information as being critical for people. It is critical that we provide information to the public at the same time as the general population, so that things should not be delayed or lag in publication just because you are having to put something into a different format. As a reminder, the Victorian Government has an External Communications Access Policy, and when I run training I constantly remind all parties this policy exists. Unfortunately not many people seem to know about it, but one of the things that I see as a really valuable tool when I am talking to people about increasing access for people is making sure that all communication opportunities to external people are in a way that they can understand and use.

These are just some stats which we went through in the submission. One in four people in Australia has a disability. They are the most recent statistics from 2011. It is a fairly damning statistic, so we are not talking about a tiny proportion of the population.

I was going to show you a clip — that is what Nathaniel and I were just working on there — but what I will refer you to is the Victorian Electoral Commission website where we worked in partnership with them on a project called Voting is for Everyone. There is a YouTube download of people with disabilities talking about how they did not think, because they could not read and write that they could vote. It is a huge issue. We also have huge issues with support staff not thinking people have the capacity to make those decisions. This DVD has been done in partnership with the Victorian Electoral Commission and has been really widely accepted and been very positive for people, particularly for those in the DVD but also as a training tool. I would refer you to that one. I can certainly give you a clearer link. I can send that through.

One in 500 people living in Victoria has a communication impairment. We are talking about people who cannot use their speech on a day-to-day, everyday basis to get their message across. These are pretty damning statistics when you look at them all, because here are some literacy statistics and we have a comparison between what was done 10 years ago, which I presented last time I was here, and this time around: 46 per cent of the adult Australian population do not have functional literacy, so one of the huge programs that I have been working on with the VEC is developing what we describe as Easy English, and it was certainly put through in the previous recommendations about maintaining that policy. Unfortunately our video clip has not worked. This is one of our consumers. This is her trying to read a document about using the computer — struggles with individual words,



but then to see her using the computer is a real indication she has never actually turned the computer on before, does not know how to move the mouse from one side of the screen to the other. So when people talk about putting things up on the internet, it is not just a barrier where you have poor literacy because computers are literacy based and people with poor literacy do not turn computers on. I hope that is something you take away from here in terms of how to get messages out there.

Just one more statistic for you: 45 per cent of the older age group, over-65s, do not use the internet on a regular basis, and those that do may use it in a really poor capacity, looking at things like, maybe, emailing a grandchild who is overseas. They actually do not use it to search for information, they do not use it to find out new pieces of information and they certainly do not know how to download. Many people with disabilities also have poor access to quality downloading, so if you asked them to download something that has got a picture in it, often that will be a very slow download anyway.

Of the recommendations that Scope is putting forward and suggesting, the first one is around the ongoing work that has been going on. I have brought for the committee a copy of the Easy English 2010 version of the Voting in Victoria booklet. I am leaving that with you as well. We would be recommending maintaining and updating that, but also looking at new publications. It is all well and good to have an information booklet, but you do not know how to do your enrolment form if the enrolment form is very difficult. If candidates' statements are not presented in an easy-to-read way, people do not know about them. There is so much paraphernalia that goes out around information like that. The other one is the voting in Victoria facilitation guide, which is actually the DVD that I mentioned to you, which is here. We would be recommending that it continues to be rolled out. When we took this to the disabilities support group that the VEC runs, other disability groups said, 'We want to see this too', so it should be rolled out beyond what you would think of as relevant only to Scope people that are in there.

On stakeholder engagement, we recommend really looking at increasing the awareness, training and implementation of training. It is all well and good to go and do a one-day or two-day workshop, but you need to actually support and provide the resources for staff to be able to engage with people with disabilities, no matter what that disability is. I have identified a couple of key areas that you may want to think about: call centre staff in particular, closer to the election, and polling officials on the day. We have rolled out a number of projects with the VEC, and I know at my local polling booth none of the information was up because the information had not rolled out far enough down the line, so those polling officials were not aware of it.

We recommend looking at employment of people with disabilities to assist in the voting process. One of the things on the disability action plan is looking at doing audits. Why not employ someone who is actually in a wheelchair to go out and do the physical audit? Why not go out with someone who has a communication access difficulty to do the audit of the environment? You will get a much more functional outcome for those people and for the facility that you are trying to set up polling booths in.

This slide is on the new communication access concept. Scope has just started rolling this out. There is going to be a huge public launch. The blue one at the top is our communication access symbol. We are looking at doing communication access audits for organisations and people to complete the puzzle of identifying what needs to be accessible for people.

We started looking at some research with the VEC, and we would be really keen to pursue that work in partnership with them around the DVD — in particular, looking at how much more it can be improved, as that was a real starting point — and then looking more specifically at what the barriers are for people with disabilities to accessing the voting process.

Regarding communication, my baby, we recommend introducing what we call topic-specific communication boards. I have here an example, which is the Victorian Taxi Directorate's version of a communication board. It has pictures, a letter board and a separate set of pictures as well. We know that people in deaf communities, as well as people with English as a second language, find them incredibly valuable also. To have something like this in polling centres would make voting far more accessible for a whole range of people.

At the 2006 elections the Victorian Electoral Commission also did a pilot rollout of using information vests rather than just having a little information tag. We would support further implementation of that and also liaising with international disability organisations. I have just come back from a government travel scholarship.

I saw some fantastic work being done in the US, where people have put a DVD together on how to meet your MP; what are the steps you need to take to meet your MP? It is a very simply presented DVD on working together to do that. Just as an example, there is a slide of the Victorian taxi communication board.

**The CHAIR** — I was interested to hear you say that one in four people has a disability. I am wondering out of that 25 per cent of the population with a disability how many of those people would be electorally challenged.

**Ms BASTERFIELD** — I could not tell you that. That covers a wide spectrum of people with any illness that is longer than six months in duration or anything that restricts their ability to do what they would normally do across six months. I could put myself in that category over a couple of years. I broke my arm and could not drive for 12 weeks. At one stage I was not able to drive. I had a long-term disability.

**Mr SOMYUREK** — I think Bernie is more talking about with specific learning difficulties.

**Ms BASTERFIELD** — On learning difficulties, I would be going back to the illiteracy statistics and talking about your 46 per cent. It is not necessarily people who have a diagnosed disability. It is often the people who are very good at hiding their difficulties in reading. They often do not recognise that they have difficulties reading because they only read a very small amount if they do read. But what we find is that those people do not have broad general knowledge information accessible to them.

**Mr SOMYUREK** — You were talking about perhaps 10 per cent to 15 per cent that cannot even read. Is that right? That is the statistic I remember.

**Ms BASTERFIELD** — Yes. But it also then includes another group of people who do not even fit that barrier. It does not include Aboriginal populations, which you may or may not think is relevant in Victoria, but it is a fairly relevant statistic. People in institutional environments were not included in the data either. Define an institution? Is it a nursing home? Is it something else? People with dementia are people who may have had reading but cannot read any more.

**Mr SOMYUREK** — Just following on in this line of questioning, you mentioned the internet and you seemed to dismiss it a little bit. I guess you were dismissing it more on the grounds that obviously it is no good for vision-impaired people.

**Ms BASTERFIELD** — No, not for vision-impaired people. Often people with vision impairment have got good literacy.

**Mr SOMYUREK** — Right. It is a pretty visual thing though, isn't it?

**Ms BASTERFIELD** — It is visual, but it is very literacy based, so I am not dismissing it from a visual point of view, absolutely. You will hear Vision Australia talk about the value of using screen readers. I am not an expert around vision impairment; I am talking about people who have poor literacy. When the computer is so literacy based, you just do not turn it on.

**Mr SOMYUREK** — My next thing in that case, presuming you can turn it on, is there has been great developments in words to text and text to words, such as Dragon Naturally Speaking software. How can the VEC utilise that software on the internet?

**Ms BASTERFIELD** — I would be recommending simplifying the language to Easy English and then putting it on audio or text to speech. That is simplifying it to the very simple level. Just putting it onto audio does not mean a complex piece of information is going to be understood.

**Mr SOMYUREK** — As there are auditory processing difficulties too, you are saying.

**Ms BASTERFIELD** — Yes, absolutely. There is a whole range of issues that roll into it that may or may not affect an individual. But generally you find that information on the internet, although it is meant to be at a plain language level, is often at a much higher level than that. If you put that text into speech, it is not going to solve the problems if you have got poor processing problems, if you have a mild intellectual disability or if you are not used to listening to that sort of level of language.

**Mr SOMYUREK** — It is aurally. We are not necessarily talking about people with low IQs. We are just talking about the neurological process.

**Ms BASTERFIELD** — Yes, absolutely.

**Ms RYALL** — Scope obviously covers the broad spectrum of disabilities.

**Ms BASTERFIELD** — I will try to answer this question now, I think.

**Ms RYALL** — I guess I am interested in it. Obviously given the broad or breadth of that, there is a whole realm of different possibilities for improving or enhancing the voting opportunities for people with a disability. Where you have got intensive recommendations to continue dialogue and so forth out of the last election, what do you see — perhaps the size of the cards; I think you have valid suggestion there — the specifics of improvement in the various different areas of disability?

**Ms BASTERFIELD** — Some of it would be around increasing the awareness and education for people with disabilities and their support staff. I think there is a huge body of work that could be done in that area. There is that part of it. I think, like I said earlier, it is all well and good for us to do some training, but to spend time getting the implementation in place actually takes resources to do and to keep backing it up and backing it up. I have to say we love working with the Victorian Electoral Commission. Any ideas we have that we put up, it has a go at doing them to the best of the resources it has available. The commission has come up with some magnificent ideas, and the VEC drives it.

**Ms RYALL** — Can you give us some specifics based on perhaps the last election where you see specifically that this was an issue and therefore this is perhaps the solution?

**Ms BASTERFIELD** — In terms of around the book that we had which was printed at the local council elections, they came to us and said, 'We need to have one for the state government election'. They took the information that we had done previously. They had a go at making the simplifications. We consulted on it; we did not spend many hours working on it. The VEC worked to actually get it to publication. One of the things we said to the VEC previously was that putting it in a much more professional-looking publication makes it more welcoming. That is the one of the things the VEC took on board with both publications it has done this time around. Previously they were done in house, and they looked fine. But what the VEC has done is taken a step up further around that and said, 'Okay, we need to make it welcoming for people to feel that this is important information', and, 'It is not just because I have poor literacy or I do not know about the voting, and I just get a scrappy piece of paper', which is what a lot of organisations do. It has taken on those smaller steps of what it is.

I know one of the barriers we do have is: what are the next products that we can actually look at, and what are the things that we need to look at? We talked about a number of things that are actually brought up with the legalities of parliamentary law around it. There is what does the enrolment form look like, what does the voting ballot paper look like and things like that. But there is so much other information that we could be doing.

**Ms RYALL** — So you think education is the primary?

**Ms BASTERFIELD** — Yes, definitely education. Then there is building awareness of the employees of the organisation. The other area around research is that they are really keen on doing research, and we are certainly really interested in it, but working with people with disabilities takes more time. It is often face-to-face work rather than doing phone interactions or group interactions. It is much smaller and it is much intensive but you do get quality outcomes from doing that sort of research.

**Ms RYALL** — Chair, can I have another question?

**The CHAIR** — Yes, my very word. Play on.

**Ms RYALL** — In relation to the early polling centres, how did that enhance the opportunities for disabled people to have that access?

**Ms BASTERFIELD** — I could not tell you personally; I did not get any specific feedback on it except on a personal level. I had a parent who said, 'This is great. I can go in early'. He was on crutches. It was much easier. One of the concerns, because we have tossed that around after the election, is using the internet for people to

vote or not. We have already talked about how difficult that is for people. There is the issue of it being a community time so you can actually go down to your polling booth — it is really important for people to feel a part of the community. There are all of those sorts of things that make it really difficult. I cannot tell you specifically, although I do know I came back from the meeting where they launched the audio phone and touch screen for people with vision impairment, and I told four people in the office, ‘Tell your networks. There is a fantastic resource’. I do not know how many people used it. But I can see how with minor adaptations, it would also be relevant to a huge number of other people.

**The CHAIR** — Are there any further questions? Cathy, you are off the hook. Thank you very much for your contribution to this inquiry. You will receive a copy of the transcript in about a fortnight. Just fix up any typos that will probably be there.

**Ms BASTERFIELD** — Do you want a card? Would that be useful for you or not?

**The CHAIR** — That would probably be useful to us, yes, and probably useful to Hansard staff as well, I would imagine.

**Witness withdrew.**

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witness

Mr A. van der Craats.

**The CHAIR** — Mr van der Craats, thank you for joining us. As you are probably aware, all evidence taken at this hearing is protected by parliamentary privilege, as provided by the Constitution Act 1975, and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise you that any comments you make outside the hearing may not be afforded such privilege. Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

**Mr van der CRAATS** — Yes, I have.

**The CHAIR** — Marvellous. Could I ask you to state your full name and business address?

**Mr van der CRAATS** — My name is Anthony van der Craats. My business address is P.O. Box 254, Carlton South.

**The CHAIR** — Are you appearing in a private capacity or representing an organisation? If so, which organisation?

**Mr van der CRAATS** — I am a member of the Proportional Representation Society of Australia and of the Australian Labor Party, but the evidence that I give is of personal opinion.

**The CHAIR** — I ask you to begin your verbal submission, and we will take it from there.

**Mr van der CRAATS** — Thank you for the opportunity to speak to this Parliament. I do so with some reluctance, mainly because the last time I gave evidence to this committee I was subjected to what I consider to be harassment, intimidation and vilification by the chief electoral commissioner. It is a matter that I raised before with this committee, or the previous committee, and it failed to respond or to properly act. It is my belief that the actions taken by the chief electoral commissioner constitute contempt of Parliament, and I would like that this committee give further consideration to the complaints that I forwarded to the committee on previous occasions with the view of having the matter properly dealt with by an appropriate authority. I will raise this later in my submission, particularly with respect to item 4 and in relation to the role of the Ombudsman and the electoral commission as it is the Ombudsman that I believe is the appropriate body to review such complaints. However, this committee has a responsibility to ensure the integrity of the parliamentary process, that the committee process is intact and that witnesses are not subjected to some form of harassment or intimidation as a result of evidence given that may be detrimental to or critical of the conduct of the election's process.

Having said those points of view, I wish to raise a number of issues, in particular in respect of the scrutiny of the ballot and the method of counting optional, preferential and other matters. My main concern at this stage is the scrutiny of the ballot and the way in which the Victorian Legislative Council election is counted. Scrutineers were denied access to the data entry data file as and when the data was being entered into the computer. This meant that the scrutineers had no means of properly validating the integrity of the data file. The information was only provided at the conclusion of the count and, as a result, it had to be taken at face value. There is no justification or rationale as to why that information could not have been progressively published as the data was being recorded. In fact to have done so would have ensured that the process was open and transparent and that the scrutineers had a chance to monitor the data as it proceeded. It would have also ensured that the data had not been tampered with or altered as the election count progressed because people would have had copies and they could have gone back to see if any changes had occurred.

I think this is an important issue, and it is a fundamental one that the committee must address in respect of the drafting of regulations. It has become quite clear and apparent that the Victorian Electoral Commission is incapable, unwilling or does not desire to ensure that this process is open and transparent. This is a matter about which I have had some disagreement and conflict with the Victorian Electoral Commission going back nearly 20 years to when we first involved ourselves in the data entry computerised counting system. I think there is a trend towards computerised counting of elections, and I think that should be welcomed, but it should not be at the expense of openness and transparency. Obviously those candidates who win an election have no need to complain, but those candidates who feel that the system may not have properly fulfilled their requirements or that it was not as open and transparent as it should have been would be perceived as sore losers if they persisted in putting forward their complaints. I watched with great interest the conduct of the 2006 state election. I think many of the members of this Parliament are aware of the errors and the problems related to the way in which

that was conducted and counted. There are still a number of unanswered questions in respect of the 2006 election which have not been properly addressed.

However, in reflecting on the 2010 election, there were some improvements. The data file that was eventually provided provided the information pertaining to the preliminary and secondary count. This was useful information and allowed some form of comparisons to the data quality of the data entry that was recorded. It was noted quite significantly that data quality in the 2010 election was significantly better than the data quality that occurred in the 2006 election. However, it was marred by the fact that the Victorian Electoral Commission failed to provide copies of that data file as it was progressively being built up. It was requested. A number of scrutineers I know from the Labor Party requested the Victorian Electoral Commission provide access to that data. They were refused this information. That, in my view, denied them the right to properly scrutinise the election.

It is probably incumbent on the Parliament to look closer at the roles and obligations of the scrutineer and what their role specifically is in terms of where and when they cannot interact with the counting process to oversee it. At the moment it is fairly well left open to the goodwill of the electoral commission to interpret what they consider to be fair or not fair. Unfortunately I do not believe the Victorian Electoral Commission has acted necessarily in good faith, and I do not believe that it has implemented procedures that ensure that the process is open and transparent. The publication of the data file progressively as the count progresses goes a long way to meeting that requirement and my concerns.

The next issue I wish to raise, which I have tried raising on previous occasions, is related to the method of counting that is under the legislation of the Electoral Act. There are a number of deficiencies and errors, in my view, in the way in which the election is counted. These deficiencies and errors came about as a result of a manual counting system. Under the manual counting system there were a number of shortcuts that were introduced into the way in which the count was made, and these were done to facilitate the speed, effort and manageability of a manual count. At the time they were considered to be a fair and reasonable compromise to make. However, with the advent and the use of computer technology we need to really review the methodology that we use to count the vote. There is no need to take these shortcuts. In fact the number of shortcuts that we have implemented really distort the outcome of the election process.

I think that is fairly evident when you analysed the Queensland 2007 Senate election. In that particular instance the segmentation of the vote, the way in which excluded candidates' preferences were redistributed resulted in, in my view, the wrong candidate being elected to the last position on the Queensland Senate. In analysis of the vote that took place in 2007, if you took the last remaining seven candidates in the count and you redistributed the entire ballot paper according to only those seven candidates standing, the Greens candidate, Larissa Waters, should have been elected. This is an error of process due primarily to the shortcuts and segmentation that we implemented to try make it easy to do a manual count. They are no longer required under a data entry process.

I urge the committee to seriously consider the counting rules to make sure that they are a little more accurate and a little more representative of the voter's intention. I have outlined those under the system which we have referred to as the 'Wright' system. Effectively it is a reiterative counting system that every time there is an exclusion you start the count again as though that candidate had never stood. It effectively mirrors the similar process that takes place in a single-member electorate, which I am sure you are all familiar with.

The other issue I wish to raise is optional preferential voting. The first time it was introduced was in 2010. In my view optional preferential voting is misleading in terms of the voter. The way in which the electoral commission sold and promoted optional preferential voting was that it in fact encouraged voters to put 1 to 5 only on the ballot paper. This disadvantaged and disenfranchised many voters. Those people who may have favoured a particular group or segment of the community stopped at the end of their 5 votes, and the result is that those who remained in the count had a greater say as to the outcome of that election.

I think optional preferential voting needs to be seriously looked at. Personally I do not agree with that. I think you are wasting your vote by exhausting your vote, particularly after no. 5. The aim, if your vote is not counted, is that you should have the opportunity to choose an alternative candidate. I think it is incumbent on the electoral commission to encourage voters to maximise their vote, not to cut it short, not to make it simpler for their data entry process. I think it would be more appropriate and more accurate if the Victorian Electoral

Commission stated quite clearly that people should vote or indicate a preference for every candidate, and not just stop at 5. That is an issue I again urge the committee to look at.

In respect of the silent enrolment entitlement, I registered to vote on the day before the election day when I submitted my documentation at the polling place, which included a silent enrolment form. Unfortunately my documentation was lost and, as I understand it, my vote was not counted. I think this boils down to some concerns over the administrative processes that are embarked upon by the Victorian Electoral Commission. I believe that everybody has a right to nominate whether they wish to be on a silent enrolment or not. This would be best facilitated if there was just a tick-box on the application form. Anyone who wanted to enrolled to vote could decide whether or not they want their names listed. It is simpler, more straightforward, and it is certainly more cost effective.

Other issues and concerns relate to the overall duplication that is involved in maintaining a state electoral authority. What we are seeing in across-borders Australia is something like \$35 million being spent on duplication of resources. We are seeing vast amounts of money being spent on development of software. It is software which is being duplicated in each state, each territory and each jurisdiction. There should be a lot more coordination and liaison going on. I also believe it would be probably more efficient if we had a centralised Australian Electoral Commission where the states had some input through the form of a board of directors or something like that. A single electoral authority can act professionally, with integrity and certainly have the cost benefits that would come with having a single organisation. Vast amounts of money have been spent on the electoral process, and we could save hundreds of millions of dollars by restructuring and reorganising the way in which the states' electoral processes are delivered.

Point 4 is an issue of great concern to me. Currently under the Ombudsman Act the Victorian Electoral Commission is excluded from the Ombudsman reviewing it. This has implications with respect to freedom of information. It has implications with respect to people who have complaints about the administrative processes that are embarked upon by the Victorian Electoral Commission. The position of Ombudsman is in place to allow various administrative complaints to be considered outside the political arena. It is difficult, I understand, and this is the problem I think the previous committee had, to address issues that may be perceived to be of a political nature, particularly when dealing with the umpire — that is, the Victorian Electoral Commission. Having reviewed and considered the role of the Ombudsman, particularly in view of the number of complaints I have had in respect to the Victorian electoral commissioner, I believe the Ombudsman is the appropriate person that people should have the right to go to to have these issues properly investigated. I do not see any justification for prohibiting the Ombudsman from reviewing the role of the Victorian electoral commissioner on administrative matters. The Ombudsman has the role of reviewing the Victorian police commissioner, and I think he should have the same role of reviewing the Victorian electoral commission.

My final point of concern is in respect to the 2008 municipal elections. Again this was a failure of the previous committee. It failed to review or provide an opportunity for people to have some input into a review of the municipal elections. There are a number of commonalities that exist between the state and municipal elections but many of them have not been properly addressed. The disclosure of the data entry file as an election progresses is one of them. Municipal elections also have another aspect to them that state elections do not have, and that is the countback system. In reviewing the countback system for the City of Melbourne election which recently occurred as a result of Peter Clarke's resignation, I became aware of a number of deficiencies in the technicalities of the way in which the countback process has been undertaken. Rather than take that up in detail — because I have not canvassed that particular issue in my submission — I would urge this committee as a matter of urgency prior to the 2012 municipal elections to undertake a review of the 2008 elections and see what comes out of that review.

**The CHAIR** — Thank you very much. Any questions?

**Ms RYALL** — Anthony, you mentioned the difference between data quality between the two — —

**Mr van der CRAATS** — Count A and count B.

**Ms RYALL** — Yes. What indicated to you that there was a difference?

**Mr van der CRAATS** — You can do a comparison between the first data and the second data, a direct comparison, and you can get an idea of where the preferences may have changed as a result of data entry error.



In the 2006 election the Victorian Electoral Commission refused to provide copies of the preliminary data entry, therefore it was impossible to make a comparison with the final data entry, so I had no idea where the changes occurred.

**Ms RYALL** — So when you suggested that there were data quality differences, that was an assumption. Is that correct?

**Mr van der CRAATS** — No, the records differ. You can see a very clear difference in the record data set itself, the preferences that are written there. For example, in some cases a preference might have been recorded as a '050', or it may have been a '50', or it may have been a '5'. I do not know how the systems interpret it; we did not have access to that information. The number of areas that we did identify in the 2010 election were not significant, certainly not enough to warrant a change or closer scrutiny of the vote itself. The time that would be required, obviously, to do that would not be justified by any benefit it would produce.

In the 2006 election that was not necessarily the case, particularly in Western Metropolitan Region. Not having access to that preliminary data and the secondary data, I think, was a major deficiency. The Victorian Electoral Commission at the time claimed that the preliminary data had been destroyed or overwritten. I find that extraordinary and very difficult to believe. As a systems IT person I would certainly have backup processes in place. If I have got data files that are worth hundreds of thousands or millions of dollars to collate, I would certainly have backup copies of that information. Had we been able to do a cross-examination of the preliminary data and the secondary data, we would have realised where the changes occurred. All I can go off is what was published by the Victorian Electoral Commission, and in 2006 there was a discrepancy of 250 of the total number of votes recorded between count A and count B went missing. I can understand that mistakes occur, but I would like to know where those mistakes did occur, and the information published by the electoral commission did not make that clear. It concerns me greatly because in 2006 the change of the result between the first count and the second count was something like — you would remember this very clearly — 150 votes. I do not know where they went, and I am a very fastidious person when it comes to looking at data.

**Ms RYALL** — Thank you. Just one more question. You spoke of shortcuts. Can you give examples of those shortcuts?

**Mr van der CRAATS** — When you have got a group of ballot papers and you are excluding a candidate and some candidates are already elected, you skip past those candidates and you deliver the ballot paper to the next available candidate at a higher value. In a proper analysis of the way in which the count should be taken, those votes actually should be contributed to the candidate who was originally elected, or previously elected, to form part of their quota and therefore part of their surplus. That is a shortcut that we took. We said, 'They're already elected; we'll skip them and we'll dump the vote directly at a lower candidate on the preference pile'. This has the effect of upping the value of that vote — it is no longer equal to the other votes which have contributed to the previous person's election. That is one shortcut.

Another shortcut occurs in the way in which we distribute surpluses. We do similar things, we skip candidates. We end up delivering votes in that process. It gets down to the segmentation. If we are distributing the votes, we stop at the point when we have distributed one particular pile of votes. For example, if a candidate has been excluded, they may have six different segmented vote piles: primary votes, secondary primary votes and subsidiary surplus. We distribute them each separately, and that can have a dramatic impact in terms of calculating the transfer value that takes place. This is all related of course to the upper house. These are shortcuts that facilitate a manual count. In a computerised count we can take the time quite readily because we are talking about 3 hours as opposed to 20 minutes to count an election using a computerised algorithm. Do you understand?

**Ms RYALL** — Thank you.

**The CHAIR** — There being no further questions, thank you very much, Mr van der Craats, for your time today and your contribution. A copy of the transcript will be coming your way in about a fortnight. Any typos that you discover in that transcript may be corrected but not matters of substance.

**Mr van der CRAATS** — Thank you.

**Witness withdrew.**

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witnesses

Mr T. Keenan, CEO,

Ms S. Mallett, general manager, research and service development, and

Ms V. Kolar, assistant manager, research, Hanover Welfare Services.

**The CHAIR** — Thank you very much indeed to everybody for joining us. For those in the public gallery — not that there are that many at the moment — can I just remind you that the acoustics of this room mean that anybody who indulges in conversation has a tendency to drown out what we are trying to do down here, so if you could bear that in mind and refrain from conversation, that would be much appreciated.

We will now move to our next witnesses. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, provisions of reciprocal legislation in other Australian states and territories. I also wish to advise that any comments you make outside the hearing may not be afforded such privilege. So in here, yes; out there, no. Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

**Mr KEENAN** — Yes.

**The CHAIR** — Magnificent. Could I ask all three of you to state your full names and business addresses and to tell us if you are attending in a private capacity or representing an organisation, and if so, which one.

**Mr KEENAN** — My name is Tony Keenan. I am the chief executive officer of Hanover Welfare Services. The business address is 52 Haig Street, South Melbourne 3205, and I am here representing Hanover.

**Ms MALLET** — My name is Shelley Mallett. I am the general manager of research and service development at Hanover Welfare Services, and I am here representing Hanover Welfare Services. The business address is 52 Haig Street, South Melbourne 3205.

**Ms KOLAR** — I am Violet Kolar. I am the assistant manager of research at Hanover Welfare Services, and the business address is 52 Haig Street, South Melbourne 3205.

**The CHAIR** — Marvellous. Thank you very much indeed. Now if I could invite you to make a verbal submission at this point, we will move to questions when you finish.

**Mr KEENAN** — Thank you. For those of you who might not know Hanover, we are a not-for-profit organisation. We were established almost 50 years ago, in 1964, with a sole mission around working with people experiencing homelessness. Our mission has only ever been changed once, and that was to include people at risk of homelessness — that is our sole mission.

Dating right back to before my time at Hanover we have had an active interest in looking at the participation of people experiencing homelessness in voting at elections. In a democracy we see that participation in voting is one of the key measures of citizenry, and we observed that large numbers of our clients were not voting so we started to document that.

As an organisation, since day one one of the things that has always characterised us is that we have a strong commitment to evidence in our work. From the day we opened our doors we started doing research. We have a small but fairly effective research unit; Shelley heads that up. She is also associated with the University of Melbourne. Violet manages the program and conducted this survey.

The other thing now is that we are starting to see patterns. In recent times we have repeated the survey for four elections, and we are starting to see some trends on which we think we can probably make some comments. I might go through some of those now.

The other thing is that we sometimes make ourselves unpopular in the sector because of our commitment to evidence. If the evidence says something that is not the correct line or not favourable, we will still say, 'This is what the evidence is saying', and I think that might be the case with this particular research to some extent.

The census shows that on census night — and so we assume, roughly, on any given night — there were about 20 500 Victorians homeless, which is equivalent to about the size of Wangaratta. It is a substantial number of people, although we know that a lot more experience homelessness — that is a point-in-time count. We know that over a 12-month period a lot more than that might experience homelessness.

In relation to last year's Victorian election, I might comment on that and then I might talk a little bit about patterns we have observed. What we saw again was that a substantial number of clients did not vote. In fact it

was the largest of the four surveys — 36 per cent actually voted. Ninety-one per cent of our clients who took part in the survey were eligible to vote; for those who were not it was because of the citizenship reasons. That is pretty disappointing. I guess it is pretty disappointing, too, because from our point of view we did quite a bit of work to encourage people to vote, as did the Victorian Electoral Commission. What we saw and are seeing consistently is that the most common reason given by people for not voting was that they were not enrolled. In some ways that makes some sense, but also if you look at our client service profile, you see that we have a large number of clients living in transitional housing whom we manage. That means they have been settled there for quite some time. Of our client group, the ones least likely to vote are those in crisis accommodation: those who have literally come in from having no shelter. Not surprisingly, they are the ones least likely to vote; but it was still very high for people living in transitional housing.

The other trend which is interesting is that, and I am not sure why, it appears that people are more likely to vote in federal than state elections. This is interesting given that the state delivers most of the services that affect people. All of our services are funded and managed by the state. Income support is the key thing that a lot of clients would be relying on federally. That was an observation; that is what the research has been showing. Participants without children are more likely to vote; however, women are more likely to vote than men. They are the main observations we would make.

I guess this is the thing that might be a little bit controversial within the sector. We have also argued in the past for provision of mobile polling booths at crisis centres. But I think, given that this trend is emerging, that would probably not be a great use of resources if the bulk of people are not enrolled to vote anyway. That might be something you look at when you have strategies in place to ensure that most people are enrolled. I think I would say the focus should be on working to ensure that people who are homeless are enrolled to vote. There are a number of key points to do that. I think the transitional housing managers when they sign people up should be routinely giving them enrolment forms. I suspect that is not happening now. We probably need to be a little bit more assertive around that; similarly at crisis centres. Also the Office of Housing has now instituted new entry points across the state. In order to access a homeless service now you go through one central point in each region. They would also be obvious places where you might be able to try to do some work, but we would say that this research is indicating that the biggest push in terms of getting people who are homeless voting is on enrolment. I might stop there. Do Violet or Shelley want to add anything?

**Ms KOLAR** — If I could add to that, with the enrolment one of the key questions we asked people in the survey was if they were eligible to vote and they did not, the reason why they did not; and as Tony mentioned, the enrolment issue was the main thing. The other reasons people gave were that they were dealing with too many issues, and some said that they were not interested. The ‘not interested’ section was a surprisingly small number in comparison to the first two reasons, so it is not that people are cynical or disinterested in civic participation; it is really other issues that are presenting obstacles, enrolment being the main one. In the other studies we have done we looked at one study focusing on family homelessness and citizenship, and that, too, confirmed that people are interested in taking part in civic matters and being connected to their broader community. It is quite an important issue for them: having a sense of belonging and being able to give something back.

**The CHAIR** — We will go to some questions. I will start off by asking about the enrolment issue, as you refer to it. Is that basically about where people enrol if they are homeless? Is that the bottom-line issue? If you are on the streets, I suppose it would be difficult; if you are of no fixed address, which electorate do you enrol in? Is that the enrolment issue that you refer to?

**Mr KEENAN** — No. That is all quite straightforward as to how you go about enrolling. If you have no fixed address, you then enrol at the place you last lived. If you cannot do that, it is then your parents’ address. There is quite a standard form. People might need some assistance with it, but there is an established set of rules. At the very least they would enrol at our services. But for obvious reasons the last option is enrolling at our services, otherwise you might get political parties attempting to enrol 50 people at a crisis centre.

**The CHAIR** — Never let it be said.

**Mr KEENAN** — So that cannot happen.

**The CHAIR** — Could you get into the enrolment issue that you refer to in a little more detail? You said, ‘The main reason that people did not vote was the enrolment issue’; I am just interested to know exactly what that is.

**Mr KEENAN** — They are not on the roll.

**The CHAIR** — They are not on the roll, but why? Why are they not on the roll?

**Mr TARLAMIS** — Would not part of the reason be that when the VEC do their habitation doorknocks and when they send out letters to addresses, they then knock people off the roll if they are no longer there. Then they have to apply with the new process to go back on it. That is my understanding. Some would be in that category.

**Mr KEENAN** — I suspect some people would be on the roll and believe they are not. I think a lot of them probably would still be on the roll at their last known address if, as you say, they have not been knocked off.

**Mr SOMYUREK** — Getting people on the roll to register is a big problem across the board. We introduced automatic enrolment last time for 18 to 21-year-olds in particular. Can you suggest any ways of automatically enrolling these people?

**Mr KEENAN** — There are a number of centres, not huge in numbers, but there are a number of centres where you could place staff from the electoral commission to assist with that — such as St Mary’s House of Welcome in Fitzroy, the Sacred Heart drop-in centre in St Kilda, the three big crisis centres, the Ozanam House drop-in centre. That would cover a large number of people in the inner city. Also you could include crisis accommodation and possibly rooming houses, because people in rooming houses come into that. The other option would be the soup vans. I think St Vincent de Paul is the main provider of the soup vans. That would be that group. The other group I think you could work with quite solidly would be the transitional housing managers; there are 13 of those across the state.

What we know with a lot of our clients in general is that some of the support we need to provide needs to be a bit more assertive than just saying, ‘Would you like support?’ The more complex the people, the more assertive or in your face you need to be with some of the support. One thing you could do, then, would be to work in partnership and have an active enrolment campaign through those services. In fairness to the VEC, they did some of that last time; and I would say the Victorian Electoral Commission has been much more proactive than the federal commission. However, that is unfortunately not showing in the participation rates.

**Mr TARLAMIS** — Given the transitional issues in terms of the clients, and the fact that they would in some cases move more regularly, if you were going to have an automatic system, presumably you would need to link it up with some service or an aspect with which they have regular contact. Presumably your clients fill in paperwork while they are at transitional housing managers or crisis accommodation services. In that case, if at a time when they were visiting they were given charge of enrolment forms at that point, that may be a way of tracking them better and keeping them on the roll. And maybe the VEC could provide some assistance with regard to that as well.

**Mr KEENAN** — Absolutely.

**Mr TARLAMIS** — That might be one avenue. Just adding on to Adam’s point, can you think of any other way other than that of improving how we could, first, get them on the roll, and second, maintain them on the roll, given that they may be moving about?

**Mr KEENAN** — The drop-in centres and the lunches, those sorts of places would be another good way to do it. I would imagine community health services as well and even a presence in accident and emergency. You would probably know from your own constituencies that the accident and emergency departments of hospitals have a lot of pressure with people turning up without actual health issues, and certainly homeless people present there quite often, so that might be another spot. Although they are already pretty overburdened, and you might not want to put something else on them.

**Ms MALLETT** — Recently we have had the census, and there was a lot of coordinated activity around trying to get a good count of homeless people in the census. Tony has mentioned quite a few of the sites in which you could potentially get people on the roll, but you could also use the peak body to engage the sector in

the statewide education around enrolling people across the state. I think there is a way of mobilising the sector using the peak and the major agencies across the state.

**Ms KOLAR** — I would also include Centrelink in that.

**Mrs VICTORIA** — You took the words right out of my mouth.

**Ms RYALL** — Shelley, this question is probably, from a research perspective, more focused towards you. I just wonder, given the sample size in the context of the census numbers — although level of confidence probably is not the right word in the context — would you see that as a trend that would be reflective of the whole? The second part of that question is with the ‘I wasn’t enrolled to vote’ that has been a selection criteria, I am just wondering, would they have voted if they were? That might be an interesting thing. I just wanted your comments on both of those.

**Ms MALLETT** — Just to take the last one, yes, good question. That would be something that we should add to future studies. In terms of how representative it is, it is not. It is a limited short of snapshot of what we can see, and I think you could make an argument for a statewide study.

**Ms KOLAR** — Absolutely.

**Ms MALLETT** — That really engaged everyone in the sector around surveying their clients. So this has been a Hanover commitment in terms of its own client group, but we have not taken it as a broader focus of our research endeavours, so I think it is a good point.

**Ms RYALL** — Just in relation to the question, ‘Would they have voted?’, it might point to them therefore, because we are looking at it in this instance and saying, ‘The reason is that’, but that in itself may not be the fundamental.

**Ms MALLETT** — I guess our only way of getting to that question has been through the other bits of research, looking more broadly at civic participation. Violet mentioned the family homelessness one, but we have been recently struck by a research project that we did on older people and homelessness, and what we discovered in that is that once people are settled sufficiently, the thing that they want to do is volunteer, so we can see — and I have to say it is quite surprising to me — the extent to which people do want to participate in civic life.

**Mr KEENAN** — And that plays out in our annual survey where clients’ aspirations are exactly the same as the rest of the community. It is for a job, housing and good education for their kids. I guess our client sample would probably have more women than a lot of other services, but I think 68 per cent of our clients last year were women. Having said that, we are fairly large, so we run the gamut of services, but probably with Ozanam or St Vincent de Paul you might get more men in the sample, or the Salvation Army because they have two men-only services.

**Ms MALLETT** — Just taking up the issue of a broader more representative sample within the homelessness sample, we would certainly contemplate partnering with the electoral commission to do something that would be much more reliable.

**Mrs VICTORIA** — Is that something you have managed to entertain with them so far?

**Ms MALLETT** — We have not to date, but we certainly could. I think we could do it quite simply too.

**Mr KEENAN** — We did do a couple of things to try and generate interest. We had them meet the candidates at Southbank. We had all the candidates for Albert Park come along, and it was really good; we had a barbecue and people spent a couple of hours, but it did not seem to translate into any more participation.

**The CHAIR** — Thank you very much indeed. Your attendance is very much appreciated. You will receive a copy of the transcript in about a fortnight, and I ask you to keep an eye out for typos in the unlikely event of that happening. You can change the typos but do not change the substance of the contribution. Thank you very much for your time today.

**Witnesses withdrew.**

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witness

Mr R. Pask, coordinator, MS Advocates Program.

**The CHAIR** — Thank you very much for appearing before us this afternoon. All evidence taken at this hearing is protected by parliamentary privilege as provided by the commonwealth Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003 and the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also would like to advise that any comments you make outside the hearing may not be afforded such privilege. Could I ask if you have read the *Guide to Giving Evidence at Public Hearings* pamphlet that the committee provided?

**Mr PASK** — Yes, I have.

**The CHAIR** — I ask you to state your full name and business address and tell us if you are appearing in a private capacity or representing an organisation, and if so, which one?

**Mr PASK** — Robert Pask, 54 Railway Road, Blackburn 3130. I am representing People with MS Victoria Incorporated. I am not employed by them; I am filling in for Nigel Caswell who put the submission forward, but we have discussed it.

**The CHAIR** — I ask you to make a verbal submission to begin with, and then we will no doubt go to questions.

**Mr PASK** — I am going to throw in my stuff as well as Nigel's, sorry. In Nigel's submission he has stated that where he lives there were 17 voting centres in his district. Two were fully accessible, a further seven were accessible with assistance, and the remaining eight were not accessible to people with wheelchairs.

Nigel in his submission suggests having voting districts select more centres which are fully accessible rather than selecting venues which are partially or fully accessible. For example, when he voted in 2010 he voted in Broome in Western Australia. Access to most of the voting centres was via several steps, but two booths had been set up in the foyer so people in wheelchairs could register their vote. Having assistance available at the entrance to those centres, which otherwise would be accessible with assistance, meant having them fully accessible.

I have been involved with the Victorian Electoral Commission, with Steve Tully, with the accessible voting. Is it okay if I come in with a positive?

**The CHAIR** — It is up to you what you say.

**Mr PASK** — The work that the Victorian Electoral Commission has done as far as voting for people with disabilities goes has been fantastic. It still leaves a hell of a lot to be done. We have the problem that multiple sclerosis is an illness that can have exacerbations, so it is different from day to day. What they have done in New South Wales, and I think we are trialling it in Victoria, in terms of inclusion through voting via the internet is a really positive move, if it happens, but we also have a negative on that, which is that for a person with MS we look at the inclusion in terms of voting. It is one of the rights of people to be able to go to a polling booth and vote. We would like to see flexibility if internet voting is brought in in a more wide-ranging way so that if a person has a number to vote on the internet but they are able to go out to vote, they do not have to log in and use that number; they can still go and vote in person at a polling booth. I believe that option is needed.

Another thing we have found is that the signage, particularly in the area I am in, is fairly bad. Especially if it is raining, the signs seem to melt away. That is a big problem. We may find that a polling booth is not accessible, but it actually would be accessible if there was signage so that you could find your way to the ramps. The other thing that I personally have found fairly bad is the disabled polling stations. They are at the right height and everything, but a lot of the people within the polling stations do not know where they are, and when you get to them they have been knocked around a fair bit. Again, it is part of inclusion that they should be where the other booths are.

People with MS also suffer from vision problems. I know that some of our clients do not particularly know the placement of the places for people with vision impairment to go and vote — like Vision Australia and Melbourne Town Hall. We would like to see those placed a little bit more broadly throughout the electorate. We thank you for the opportunity to come here, but in the last couple of elections we have found, and I have personally found, that there is a lot more to improve.



The Victorian Electoral Commission is one of the few organisations that makes a point of employing a large percentage of people with disabilities, which is fantastic. I would like to see that covered a lot more across the state government areas. The improvements are really good, but there are still those areas where the polling booths are marked as being accessible and when people get there they are not. I know in a lot of cases that is not the fault of the Victorian Electoral Commission; it is the fault of the school, or something like that, which shifts things around before the voting day.

**The CHAIR** — I will just ask about the signage, to clear it up in my own mind. When you refer to the signage are you talking about the signs outside the booth telling people it is a polling booth, or are you talking about the signage which may direct a person in a wheelchair as to the way to get into the booth.

**Mr PASK** — The signs to where the accessible entrances are for the people in wheelchairs — not just for people in wheelchairs but for people with any mobility problems. Someone needs to find where to go in. Of late the staff are a lot more accommodating too. The other thing we would like to see is more of the mobile polling booths going out to places like our accommodation. Our office would be ideal for people with disabilities in the area to vote, given the option.

**Mrs VICTORIA** — You spoke about the vision impairment of some sufferers of MS. We have had Vision Australia come to talk to us this morning. They were talking about different options. Have you spoken with any others who might have ideas as to what the best way is to tackle this? I know Vision Australia spoke about not only the possibility of an iVote internet system but also something more along the lines of a telephone keypad sort of system.

**Mr PASK** — I have been involved in committee meetings at the electoral commission where it has been mentioned, but we still have this big thing about inclusion, which is about getting out there and voting.

**Mrs VICTORIA** — You want to physically attend.

**Mr PASK** — For people with MS the vision impairment can go for one day, a couple of days or it can go to six months, and you do not know beforehand. It would be good for a person with MS or any other chronic illness who is affected by vision problems to have an option like the internet or something but still be able to get out and vote.

**Ms RYALL** — Any idea of the percentage of people who may not have voted because of it?

**Mr PASK** — It is not a very high percentage. It is probably about 5 per cent at the most, but I do not have any statistics. It is not a high percentage because we do try to help people. Also, as opposed to those who are homeless and things like that, people with MS are registered, so they are aware of voting.

**The CHAIR** — Thank you very much indeed.

**Mr PASK** — Hang on, this is too quick.

**The CHAIR** — Absolutely painless! You have made some extremely good points, and they are well taken. The copy of the transcript will be with you in about a fortnight. If you find any typing errors — I am sure you will not, but if you do — you can correct those, but not the substance of the matters that we discussed today. Thank you very much.

**Witness withdrew.**

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2010 Victorian state election

Melbourne — 23 August 2011

#### Members

Mr B. Finn

Ms D. Ryall

Mr A. Somyurek

Mr L. Tarlamis

Mrs H. Victoria

Chair: Mr B. Finn

Deputy Chair: Mr A. Somyurek

#### Staff

Executive Officer: Mr M. Roberts

Research Officer: Mr N. Reader

#### Witness

Dr V. Teague, Computing Research and Education Association of Australasia.

**The CHAIR** — Dr Teague, welcome. I should point out to you that all evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provision of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise that any comments you make outside the hearing may not be afforded such privilege. Can I ask have you read the pamphlet *Guide to Giving Evidence at a Public Hearing* the committee provided?

**Dr TEAGUE** — Yes.

**The CHAIR** — Marvellous. Can I also further ask you to state your full name and business address and if you are attending in a private capacity or representing an organisation and, if so, which one.

**Dr TEAGUE** — My name is Vanessa Teague. I am from the department of computer science and software engineering at the University of Melbourne, Parkville 3010, I think. I am representing the Computing Research and Education Association of Australasia.

**The CHAIR** — Thank you very much indeed. Can I ask you to give a verbal submission to begin with, and we will take it from there.

**Dr TEAGUE** — I could talk about electronic voting for a long time, so I am going to be brief and then invite you to point out which aspects of it you are most interested in. I have a technical background. I have a PhD in computer science. I do research on secure cryptographic protocols for electronic elections. Over the past few years I have had an ongoing, very positive dialogue with the VEC, including as a technical observer in the 2010 election, which was a post they invented just for that election. I would really like to be part of an ongoing dialogue about election technology. I would hope that that dialogue includes both security experts and disabled voters so that both accessibility and security can be a central part of the discussion all along.

I will give you just a bit of an overview of where I am coming from. The trouble with computers is that the electronic records they are making cannot be directly observed by people. You can look at what is being printed up on the screen, but you cannot directly observe the electronic information that is being written onto the hard disk, sent over that internet cable or whatever. A person voting cannot directly check that the electronic record matches the vote they asked for. Similarly, a scrutineer might be allowed to watch the computers doing something at the central counting station, but they cannot directly observe whether or not the electronics are doing the right thing and whether the computers are correctly decrypting and printing the votes or whatever.

There are all kinds of things that could, in principle, go wrong. It could be external hacking, insider manipulation, accidental programming bugs, hardware errors or whatever. Potentially these things could cause serious issues. They could cause the votes to be exposed, they could have privacy implications or they could even cause votes to be misreported, wrongly tallied, dropped or whatever. My position has been over the last many years that an electronic voting system should maintain at least the same standard of security, privacy and transparency as the system it replaces. Different people use different systems, which might mean that different decisions should be appropriate for different kinds of voters.

My second point is I believe very much in transparency as a positive thing for security. As much as possible of the system's details and documentation should be made available to experts and to the public for analysis. The more openness there is about the system, the more confidence we can all have that it is behaving the way it is expected. Transparency is good for security. The example of this technical observer role that I had with VEC at the last election was a really good example of that. I was able to look through a lot of their documentation about their system. I was able to identify one notable security vulnerability and tell them about it. They informed the vendor who patched it. I think that is a good outcome all around. I think it is a bit of an advertisement for transparency being a positive thing for security.

Finally, as a third major point, I think electronic voting, with a computer in the polling station, is a very sensible thing to do. I do not see anything wrong with it being extended to all kinds of other voters, but I feel very strongly that if it is extended to voters who do have the capacity to read and deal with a paper representation of their vote, then it should provide such a thing for them. For sighted voters who have enough mobility to deal with a paper printout, we should make a paper printout, they should have the opportunity to read it and check it, and then it should go into a ballot box or some similarly official kind of repository that can then be used to double-check the electronic count.

Transparency is critical, I think, for having an informed debate about what technology we should be using for which voters. One of the big issues that strikes me is this issue of verifiability. Both the VEC's polling station electronic voting system and the New South Wales iVote system that has come up throughout the day were promoted by their vendors as being verifiable. In neither case was this issue very well defined, but to me at least what it ought to mean is that the system gives the voters some kind of evidence that their electronic vote is being recorded in the way that they asked for. It should also give somebody some kind of evidence that, at the counting end, the count is being done in a way that is correct.

Both vendors said their system was verifiable. In neither case was this true as a technical statement, given my understanding of what 'verifiability' should mean. In both cases you could go to a website and enter your ID and get a little number back, but that did not actually prove anything about whether your vote had been correctly recorded, correctly transmitted or accurately tallied. This is a really important issue to me. The point is that a lot of voters say they like this kind of system because it is verifiable. That is what they have been told, but actually it is really not.

I know that you have received a lot of submissions very much in favour of trying to adopt a system something like iVote. I feel that there were serious problems with the iVote project, both in terms of the process, which was not at all transparent and gave very little opportunity for local scrutiny, and in terms of the technical properties of the system itself, at least as far as I could work them out, which was not very far.

The New South Wales Electoral Commission recently published some summary reports of the security audits that they had had done on the system, and the security auditors raised some quite serious concerns. In the pre-implementation report — so before voting — they said:

... significant security vulnerabilities were highlighted ...

In their post-implementation report, which they submitted after the voting period, they said:

... some of the risks identified ... remained outstanding during the voting period ...

It goes on to say that 43 of the iVote ballots were recorded as having the letter 'N' instead of numeric preferences.

From that much information, at least, it appears this is a system that is known to have had significant outstanding security vulnerabilities during the voting period. It is known to have garbled at least 43 votes, and yet it has been variously described by the media and by the New South Wales EC and all kinds of other people as being secure, private and verifiable. It has been trusted for, as far as I know, the uncontested reporting of nearly 47 000 votes. I feel strongly that we should not be emulating this kind of a process.

It does raise the harder question of whether we should be doing some kind of internet voting in some form, and if so, for which voters? Clearly there is going to be a long public debate about this, and we are not going to answer that question in the next 20 minutes. My opinion is that, at least at the moment with our current technology, internet voting cannot be made as secure as either postal voting or polling station electronic voting. At most, for political elections I think it should be a last resort for people who are really, genuinely unable either to use postal voting or to come into the polling station and use the electronic voting that is in there.

It might be a perfectly reasonable thing to try for commercial elections like shareholder elections or professional societies or whatever. I know the VEC now runs quite a few of those kinds of election. They have a different set of standards and a different set of security requirements. For real political elections I think it should be a last resort for people who cannot use another form of voting. In that case the system's technical details should be as transparent as possible so that voters can make an informed decision about the voting method based on the most accurate information they can access about the security, privacy and verifiability of the system.

**The CHAIR** — Thank you very much indeed. You have disappointed me because, as a keen watcher of US politics for many years, I get very excited when I see the polls close at 8 o'clock or 10 o'clock and they press a button and the result comes up. I was hoping you were going to come in here today and say, 'We're going to start on that next year'. From your comments that is not going to happen; could we assume that?

**Dr TEAGUE** — I don't think you should, no.

**The CHAIR** — How far away are we, realistically, from even starting on something down that track?

**Dr TEAGUE** — There are two very different kinds of things. One is computers in a polling station. I think that is quite feasible with current technology now. Like I said, I think it should have a paper printout for ordinary voters, but given that and given that the paper printout is properly checked — and they do this in the US; they have very careful auditing procedures and so on — I think that is basically doable now.

**Mr SOMYUREK** — You say that is doable because you can actually get paper and then you put the paper into a ballot box. Is that why you say that is doable now?

**Dr TEAGUE** — Yes.

**Mr SOMYUREK** — Whereas remotely you cannot put that onto paper.

**Dr TEAGUE** — That is exactly right. Remotely there is no analogy for that simple but very strong checking process. People who put a number of years on technology always end up being wrong, but at the moment, in a remote context, I do not see the integrity of that process as being anything comparable to the integrity that you get if you fill out your own postal ballot. I understand there are voters who cannot fill out their own postal ballot, and maybe we should be having a conversation about how to deal with that and whether internet voting is appropriate, but there has to be honesty about the susceptibility of that process to potential hacking or potential privacy implications, like those for people using the same computer, and just about the difficulty of proving that the vote went through correctly on an electronic system.

**Mrs VICTORIA** — Vanessa, you and Bernie both mentioned what is happening in the US; is there anywhere in the US where they are doing this well? Is there anything we should be looking at and saying, ‘Maybe it is not gold standard, but this is a better system than what is currently available elsewhere. It seems to be working; it is verifiable’? Where do we start?

**Dr TEAGUE** — There are different things happening all over the US. One of the things about America is that each little county can just about run its own voting system — not electoral system, but actual voting system. There is everything within the US from computers in the polling station that are totally unverifiable and basically unchecked all the way through to some very high-integrity systems that really give you a sophisticated cryptographic proof of having tallied all the ballots correctly.

**Mrs VICTORIA** — Where are they using that?

**Dr TEAGUE** — There is a place called Takoma Park, Maryland, on the east coast, that is running a very fancy cryptographic system. Again, it is a polling place system, it is not a remote system. You go into the polling place and you fill out a special pre-prepared ballot. You get some sort of a meaningful confirmation code, then you can go home and look it up on the internet and not only get a proof that your thing was included but actually get a proof of the correctness of the whole count. It is pretty amazing actually, but it does not work for preferential voting. They only have, I think, a limited form of preferential voting in which you can choose your three favourite candidates or something like that, but I cannot see their ballots extending to 30 different candidates below the line. But that is a kind of gold standard.

There are a lot of other states that do a more low-tech but basically pretty decent thing. They have a computer in a polling station; it prints out a human-readable paper trail; they keep the paper trail in some kind of secure way; and then there is legislation about how much of it they have to audit, depending on how close the vote is.

**Mrs VICTORIA** — That is not being printed out when a person casts their vote. Their vote is not printed out and then they go and pop it in the ballot box. It is still recorded electronically, but the paper trail is there sitting on a server.

**Dr TEAGUE** — The idea is supposed to be that the person can look at their own vote. They interact with the computer; they tell it how they want to vote. It prints out a paper record while the voter is standing there, and the voter is supposed to check that the paper record matches the vote that they asked for.

**Mrs VICTORIA** — What is the benefit of that? It does not sound as if it is faster than the system we have got.

**Dr TEAGUE** — They can still do an electronic tally, because they can still make an electronic record and tally it fast. It is a lot more usable, because there are a lot of people who have trouble filling in a paper ballot, who might make mistakes or whatever, but who can still read it or not bother reading it, if that is their choice. They can express their vote by computer and then have the record as backup.

What they generally do in the United States — I am not necessarily sure that we should carry it over here — is use the electronic count and then they audit some fraction of the paper record as a double-check. It is not necessarily a large fraction. It might only be 1 per cent to 5 per cent or so, because the expectation there is that everybody votes by computer. They care a lot about getting this fast, cheap kind of count, and then they will do a 1 per cent or 5 per cent audit.

**Ms RYALL** — A statistical audit?

**Dr TEAGUE** — A statistical audit, and the idea is that if you take a random audit of whatever, the 1 per cent or 5 per cent of the paper record, and that all matches with the electronic record, then you can be pretty confident about the rest. I am not necessarily sure that that model would work for us in the context of having only a small fraction of the vote cast electronically, but that is what they do. It does have a lot of the advantages of doing it electronically because they do get it fast, they get a good user interface, but they have this paper backup with a trail of evidence, that voters are at least supposed to check, that tests whether the computer was doing the right thing.

**Mr SOMYUREK** — We all get excited about electronic voting because we picture that to be remote and en masse, but what you are saying is that we are very far away from that.

**Dr TEAGUE** — I do not think the level of evidence about correctness for internet voting, for remote voting, is on a par with postal voting. I can see a tiny fraction of people who really cannot do postal voting using that system, but there are a lot of things that could go wrong with a large section — substituting internet voting for postal voting, let us say. There are a lot of things that could go wrong that do not go wrong with postal voting — for example, the issue of whether your machine actually encodes the vote in the way that you asked for. It does not sound like a big issue until it is pointed out, but actually if you think about it, it is a big issue if somebody else is the system administrator for your computer, if there is a virus on your computer that is specifically designed to interfere with the voting application or possibly even just if the computer malfunctions in some way. The idea that your vote might not get expressed in the way that you intended, that it might be manipulated or just accidentally misrecorded before you even send it off to the electoral commissioner, is actually a big deal for remote internet voting.

**Mr SOMYUREK** — Would that be the case for other important things we do online, such as the census that we did the other day, internet banking and the plethora of other things that we do?

**Dr TEAGUE** — That is a good question, and I have a good answer. I did not do the census online but I have done a lot of internet banking, and voting is a lot harder than banking for a few reasons. One is privacy. You expect that your vote will be secret from the electoral commission, whereas there is no corresponding idea that your banking transactions will be private from your bank. That actually makes the security issues a lot harder, because a lot of banking security relates to the bank actually looking at your transactions and keeping an eye out for funny looking transactions. They will keep an eye on your Visa card transactions or your internet banking transactions, and if something funny happens, they will call you up and say, 'Did you actually intend to endorse that \$3000 payment to Nigeria or wherever?'. Because they can see what you are doing they can check with you directly whether or not there has been an attempt at fraud. They cannot do that for voting because they are not supposed to be able to see how an individual person is voting.

The second thing about that is that if you are paranoid, you can make a paper trail at home out of your banking. Most people do not bother, but in principle you could. At least on my bank's website I get this little print option so that if I subsequently have a dispute with the bank, I can print out the sequence of things that I tried to do.

The third thing, although I do not have any particular insider information about this, is that the fraud rate for internet banking is not zero. I do not know exactly what it is, but it is not zero. I would encourage you to ask somebody who does know; I do not. But for the banks it is a different trade-off. They are out to make money. If they lose a bit of money from fraud, that is tolerable. As long as they make more money from computerising the whole system, that is okay for them, but for voting the tolerable fraud rate is basically zero. Consider how close

the last federal election was, for example. The tolerable fraud rate is really not anything. We cannot tolerate an internet voting system that has a fraud rate comparable to the internet banking system.

**Mr SOMYUREK** — If you were advising the bureau of statistics on whether it should go online, what would you advise it?

**Dr TEAGUE** — For the census, you mean?

**Mr SOMYUREK** — Yes.

**Dr TEAGUE** — That is a good question. I had not really thought specifically about the census. I think I am going to punt and say that specific applications have to be thought through carefully for their specific needs and threat models and so on. I have thought a lot about the threat model for voting. I have not thought a lot about the threat model for the census.

**Mr SOMYUREK** — It was unfair to ask that question, but I just want to get a general idea of what the risks are in relation to various applications.

**Dr TEAGUE** — I guess my question would be: who would be attacking the census? Maybe there are people who would work hard to attack the census — I cannot think of any off the top of my head — whereas with voting there are clearly a lot of people with a very intense interest in who wins the election, so as a secure application it really has to be bulletproof.

**Mr SOMYUREK** — It seems to me that what you are saying is that if the intent is there, you can penetrate any system.

**Dr TEAGUE** — Yes.

**Mr SOMYUREK** — Yes, right.

**Ms RYALL** — Vanessa, just two questions. In one of your recommendations you talk about making the source code available to experts. Would that not perhaps increase the vulnerability in some respects?

The second question is: do you see that the system of data entry at the polling place, with the hard copy verification, could also rule out or significantly reduce through programming the ability to lodge an informal vote?

**Dr TEAGUE** — Let me answer them backwards, because the second question is in my mind. I guess there are two things about the informal voting. Some people vote informally accidentally, and the computerised system could warn them about that, which I think possibly the system that we just ran in the last election did do. It could help prevent people voting informally if they had not intended to, but also it could easily allow people to vote informally — —

**Ms RYALL** — Or disallow them to vote informally?

**Dr TEAGUE** — It could disallow them to vote informally, but actually if I remember rightly — I should probably check — this issue was considered and they decided that the system would allow people to vote informally although it would warn them. I think that that is what it does. It gives the person a warning to say, ‘This is an informal vote; are you sure you want to do this?’, and then if the person says, ‘Yes, that’s really what I mean to do,’ then it just lets them go ahead. Whether or not you are making a paper record the same thing would happen.

**Ms RYALL** — Sure, I understand.

**The CHAIR** — A great way to count the protest vote too, I might say.

**Dr TEAGUE** — Yes! You cannot write, at least with the current system, arbitrary rude words on the ballot paper, but you can cast an informal vote. It was felt that that was a right that you could come into the polling station and — —

**Ms RYALL** — And the source code?

**Dr TEAGUE** — And the source code, yes. This is a very vexed issue, and not just to me. This issue is being batted back and forwards throughout North America and Europe and everywhere else. The thing that makes something secure is having lots of people look at it really carefully, so it would be wrong to say that publishing the source code automatically makes it secure. It does not, unless publishing the source code encourages more people to actually have a careful look at it and tell the VEC about the bugs that they find and so on.

**Ms RYALL** — Or look at ways that they could penetrate it.

**Dr TEAGUE** — Right, exactly. But neither is it true to say that keeping the source code secret makes it more secure, because the vulnerabilities are still there. It is just that there has not been the opportunity for scrutiny of them. I am actually not a hacker; I am a mathematician, so I am accustomed to looking at things that I can see clearly — —

**Mrs VICTORIA** — Just for the record.

**Dr TEAGUE** — Exactly, just for the record. Hackers will hack into things without having the source code. They will guess. It might take them a bit longer, but they will poke around in the thing and they will try to figure it out. I was going to say one more thing about that. Just give me a second to remember what was in my head.

The other thing is I said that keeping it secret does not necessarily make it more secure. Furthermore, a lot of these kinds of things that they think are secret are actually not. There have been quite a few examples of a source code for a system that was not supposed to be open being found on the internet by somebody who bothered to look. Even if it is not sitting out on the internet, there are a whole range of insiders who would know something about it. The New South Wales iVote system and our Victorian system were not one-off systems that were built from scratch for that particular application; they were both part of a code base that those vendors used for lots of other projects and they then tweaked a bit for us.

But there are a pile of source codes sitting there. Lots of people working for those vendors have seen it and potentially lots of other customers and lots of other security auditors have seen it. Not every one of those people is going to be either 100 per cent trustworthy or 100 per cent careful with that data, so you cannot really keep it really secret.

**Mr TARLAMIS** — Earlier you gave a number of examples of electronic voting in polling places in the United States that had verifiable means. Are there any electronic voting systems outside of polling places in the US or anywhere else that are verifiable, bearing in mind not at the level of postal voting?

**Dr TEAGUE** — There is an academic system called Helios and there is another academic system called Civitas. If you are interested, I can send you references, but roughly they are verifiable in a genuine kind of a sense. They again provide both evidence to the voters that their vote was cast correctly and they provide some kind of cryptographic proof for everybody that they got the right answer.

**Mr SOMYUREK** — When you say ‘academic system’, you mean they have not been practically applied yet, is that right?

**Dr TEAGUE** — Yes, that is right. So when I say ‘academic system’ I mean they are only efficient enough to deal with a small number of votes, a few thousand votes. The usability is challenging, even for computer geeks who sign on for those kinds of things. They have been used in things like student elections, that kind of election. They are usable in the sense of being okay for undergraduate students, but there is definitely a gap between the really easy usability that you would really want if you were going to roll it out for a genuine political election versus the kind of usability that you get out of these very high end cryptographic systems.

**Mr TARLAMIS** — As a follow-up question then, is there a possibility of taking one of those academic systems and simplifying the interface or something along those lines to actually make it user friendly?

**Dr TEAGUE** — The research continues is the answer. The aim of that kind of body of work has been to make it more so. There are still vulnerabilities to those kinds of systems; that is the other thing to say. They provide a decent degree of proof but they are not bulletproof either. I guess it comes back to Mr Finn’s question earlier: how long is it going to be until we can field this kind of system and be confident that it works well



enough to be used for political elections? The answer is I do not really know. It is converging, but I do not know how fast.

There is a big push in the United States for internet voting, especially for overseas military personnel. There is also a big push back from a lot of academics who have said that it should not be done. There is some talk which may or may not ever eventuate about holding some kind of an open competition to design a secure, verifiable internet voting system. I do not know if the talk will ever turn into an actual organised competition and an actual winner but it might, and if that happens, it will happen slowly over the next few years. Did that answer the question?

**Mr TARLAMIS** — Yes.

**The CHAIR** — You have given us a couple of examples that give us hope. There are some parts of the United States where it is obviously working well. Is there anything that jumps out at you where the red light is flashing, saying, ‘Do not go there’? Do you have any examples that you can point to that have just been a complete disaster in terms of electoral machinations or a complete stuff-up basically?

**Mrs VICTORIA** — That is the technical term.

**The CHAIR** — That is the technical term.

**Dr TEAGUE** — The technical term; that is good. I am pretty nervous about iVote and those 43 votes that turned up looking strange. That is a serious issue. I know that 43 votes is not necessarily a large fraction of 46 000 — —

**The CHAIR** — It is if you win by 21.

**Dr TEAGUE** — It is, and computers are nothing if not consistent. The whole idea that 43 of them looked funny but everybody is perfectly confident about the other 46 000 and something, it makes me nervous. Again, I do not know any of the technical details about iVote because they were not released, but presumably that same script or program or whatever it was that they think was responsible for misrecording or not dealing properly with those 43 votes must have been responsible for the other 46 000. I would very much like to know more about what happened there.

At least on the face of it there ought to be some extra questioning about why we should be so confident the other 46 000 were correctly recorded when the only reason we noticed the 43 that we know to have been misrecorded is that they looked noticeably off — I think they had the letter ‘N’ or something instead of a numeric preference. Obviously you can look at that and say, ‘Clearly something has gone wrong here. What about some possibility for the other votes having been manipulated where it is not obvious?’. I am not saying that I have any evidence that this happened; I am just saying that there ought to be evidence that the other 46 000 were good, and there is not.

**The CHAIR** — Who has had access to the proof, if you like, that this system works?

**Dr TEAGUE** — I have downloaded this from the internet. There was an audit by PricewaterhouseCoopers — that is what I was quoting from earlier. They sort of subcontracted a security auditing firm called stratsec. They are the people who wrote that ‘significant security vulnerabilities were identified’ in the quotes I was giving before, but that security audit is not publicly available. All that is available is PricewaterhouseCoopers’s summary of that audit and a few other security audits they had.

**The CHAIR** — Is there any reason that is not publicly available?

**Dr TEAGUE** — I don’t think so. I have asked and been told that it will not be made publicly available. In fairness, I should probably say that I was given some reasons about why it was not going to be made available. I am going to keep asking — let me put it that way. I should have printed out, and I can forward to you if you like, the reasons I was given as to why it wasn’t — —

**The CHAIR** — I think we can assume from that that you were not entirely satisfied with the reasons that were given.

**Dr TEAGUE** — No. As I have said, I think more transparency would be good for security. For example, given that this thing has been published saying ‘significant security vulnerabilities were identified’, it is only fair to ask what they were.

**The CHAIR** — Yes.

**Mr TARLAMIS** — Is it fair to say that in your opinion that until you address these sorts of issues we should be careful about progressing further down electronic voting?

**Dr TEAGUE** — I think so.

**The CHAIR** — Are there any other questions? Dr Teague, thank you very much indeed; that was very interesting. In about two weeks you will receive a copy of the transcript. Please correct any typos which you may find. It is not going to happen, but if there are any typos, please correct them but not any matters of substance in the body of the transcript itself. Thank you very much indeed for your contribution to our inquiry.

**Committee adjourned.**