I am pleased to submit to you for presentation to Parliament my report on the administration of the Victorian State election held on 30 November 2002. The report is presented as required by section 8(2)(b) of the Electoral Act 2002.

Colin Barry
Electoral Commissioner
19 May 2003
The 2002 Victorian State election at a glance

Voter participation at Australian parliamentary elections*

Informal voting at Australian parliamentary elections**

Ordinary, absent, postal and early votes as a % of votes cast at Victorian State elections 1992 – 2002*

*Figures are for lower house elections only.

* Ordinary votes
  ** Absent votes
  *** Postal & early votes

*Figures are for lower house elections only.

* Full preferential voting is used in Federal, Vic, WA, SA, and NT elections.

2 SECTION 1
ELECTION ADMINISTRATION
AND ANALYSIS
Voter participation at Victorian State elections 1992 – 2002*

Informal voting at Victorian State elections 1992 – 2002*

Enrolment at close of roll for Victorian State elections 1992-2002*

Number of candidates contesting Victorian State elections 1992 – 2002†

Cost of State elections 1992 - 2002  ($m)^*

* Includes all direct costs plus amortised costs of IT development and general VEC expenses. 2002 includes enrolment confirmation mail-out following the redivision of electoral boundaries, and is subject to audit.

† Figures are for the lower house elections only.
On 30 November 2002, three million Victorians voted at the 2002 State election – Victoria’s largest one-day public event. For the Victorian Electoral Commission (VEC), however, the 2002 State election was the culmination of months of planning and preparation and 26 days of intense activity.

The scale of an election is considerable and not without risk. During the election the VEC established 1,600 voting centres, processed 550,000 declaration votes, employed 14,000 casual staff, delivered more than 130 tonnes of materials and answered 96,000 telephone enquiries.

The VEC provides Victorians with high-quality election services, and in 2002 the range of services available to stakeholders and electors was further extended. The cost of the 2002 State election was $23.7 million, which includes the cost of sending an enrolment confirmation card to all electors following the redivision of electoral boundaries.

This report discusses the conduct of the 2002 election, comments on the VEC’s performance and outlines directions for future improvement. It also contains recommendations for legislative change. The second section of the report contains the official election results.

The 2002 election was conducted in a new electoral environment. Changes had been made to electoral boundaries in 2001 and new legislation governing the conduct of Victorian parliamentary elections, the Electoral Act 2002, had recently been enacted. The new Act was the first major revision of Victoria’s electoral legislation in a century and it affected all election stakeholders and participants.

At this election the VEC introduced a number of initiatives to improve election services. Early voting centres offering specialised services, including a braille ballot paper template, were established to make voting easier for the vision impaired. Providing these voters with an opportunity to cast a secret ballot was a significant step forward. The VEC also introduced new procedures to streamline absent and postal voting and was able to admit these votes to the count earlier than at previous elections.

The introduction of four-year terms and a fixed election date will enable the VEC to further improve the management of elections in Victoria. A review of election services will examine opportunities for improving the management of the enrolment register, the selection of voting centres and the provision of services to voters with a disability or from diverse cultural backgrounds.

Finally I would like to acknowledge the role of VEC staff, whose hard work and personal commitment helped Victorians exercise their democratic right to vote at this election.

Colin Barry
Electoral Commissioner
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On Monday, 4 November 2002 the Premier, the Hon Steve Bracks, MP, announced that the Victorian State election would be held on Saturday, 30 November 2002.

In addition, two by-elections were announced for:

- East Yarra Province – due to the resignation of the Hon Mark Birrell, MLC; and
- Western Province – due to the resignation of the Hon Roger Hallam, MLC.

These members of the Legislative Council had resigned prior to the expiry of their terms, which were due to expire at the following State election.

The writs for the 2002 Victorian State election were issued on Melbourne Cup Day, Tuesday, 5 November. The issue of the writ is a legal requirement and sets out the timetable of the election.

At the election, the Australian Labor Party (ALP) was returned with a record majority in the Legislative Assembly. The ALP won 62 seats, the Liberal Party 17, the National Party seven seats and two independents were returned. This was the largest number of seats ever won by the ALP at a Victorian State election, and the most won by a single party. (In 1992 the Liberal-National coalition won 61 seats.)

The ALP received 47.95% of first-preference votes – the highest received by the ALP since 1985, when the ALP scored 50.01% (in an election in which there were no significant minor parties standing in the Assembly).

The Liberal Party received 33.91% of first-preference votes. This was the lowest Liberal first-preference vote since 1952, when it recorded 24.85%.

The National Party received 4.3% of first-preference votes (the lowest recorded by the National Party or its forebears).

The Greens received 9.73% of first-preference votes. This was the highest vote ever for the Greens at a Victorian State election, and the highest vote for a minor party since the DLP scored 13.3% in 1970.

In the Legislative Council, the ALP achieved a majority for only the second time in its history.

**Election timetable**

A Victorian State election is held every three to four years. Under the Constitution Act 1975, the Legislative Assembly has a maximum four-year term and, under usual circumstances, a minimum three-year term. This provides a window of approximately twelve months for the Government to call an election.

This situation presents a challenge to the Victorian Electoral Commission (VEC) as preparation and planning must be done without knowing the date of the election.

The 2002 election was held on the earliest possible date. (The election could have been held on any Saturday between 30 November 2002 and 3 January 2004).
### Expiry or dissolution of the Lower House
Parliament is dissolved (within the limits set by State law) and the Premier announces the intention to hold an election.

### Issue of writ
The issue of a writ starts the election process. An electoral writ commands the VEC to hold an election and contains the dates for the close of rolls, the close of nominations, election day and the return of the writ. At a State election, writs are issued for the election of all the members of the Legislative Assembly (Lower House) and for half of the members of the Legislative Council (Upper House).

### Close of rolls
Electors have until 8.00 pm, three days after the writ is issued to enrol or to update their enrolment.

### Close of nominations
The deadline for nominations by candidates is 12 noon on the date specified on the writ as the close of nominations.

### Election day
Election day is the day nominated for the election to be held and is the day on which most electors cast their vote. It must be a Saturday and at least 25 days, or at most 58 days, after the issue of the writ.

### Return of writ
After the results are declared for all Legislative Council and Legislative Assembly seats the Victorian Electoral Commissioner returns the writ endorsed with the names of the successful candidates to the Governor.

#### Figure 1 – Election timetable

<table>
<thead>
<tr>
<th>Event</th>
<th>Min and max period</th>
<th>2002 election dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiry or dissolution of the Lower House</td>
<td>4 November 2002 was the earliest possible date that the writ for the election could be issued</td>
<td>Monday, 4 November</td>
</tr>
<tr>
<td>Issue of writ</td>
<td>4 November 2002 was the earliest possible date that the writ for the election could be issued</td>
<td>Tuesday, 5 November</td>
</tr>
<tr>
<td>Close of rolls</td>
<td>3 days after writ</td>
<td>Friday, 8 November</td>
</tr>
<tr>
<td>Close of nominations</td>
<td>10 - 28 days after date of writ</td>
<td>Friday, 15 November</td>
</tr>
<tr>
<td>Election day</td>
<td>15 - 30 days after nomination day</td>
<td>Saturday, 30 November</td>
</tr>
<tr>
<td>Return of writ</td>
<td>Up to 21 days after election day</td>
<td>Friday, 13 December</td>
</tr>
</tbody>
</table>
Voting system
The VEC conducts all Victorian State parliamentary elections and by-elections.

The Victorian Parliament is made up of two Houses: the Legislative Assembly and the Legislative Council. Members of the Legislative Assembly are elected from 88 single-member electoral districts, each with approximately 37,000 electors. Members of the Legislative Council are elected from 22 electoral provinces, each with approximately 148,000 electors. Each province returns two elected members, who are elected on a rotating basis at each State election.

State elections take place every three to four years and at each State election voters elect all the members of the Legislative Assembly and half the members of the Legislative Council.

The voting system for both houses is full preferential voting (see Figure 2). In a preferential voting system, a candidate must gain more than 50% of all votes to be elected. If none of the candidates receives over 50% of the first-preference votes, voters' preferences are distributed until one candidate gains an absolute majority.

Voting is compulsory at Victorian State elections.
The Victorian Electoral Commission

The VEC's chief responsibility is to conduct fair and impartial elections, efficiently and according to the law.

The Electoral Commissioner is appointed by the Governor-in-Council for a ten-year term. Under the Electoral Act 2002 (the Act) the Electoral Commissioner is independent of the government of the day and reports directly to Parliament.

The key responsibilities of the VEC are to:
- conduct parliamentary elections and by-elections;
- conduct local government elections and by-elections (upon appointment by councils, following a competitive tendering process);
- conduct certain statutory elections;
- provide advice to the Attorney-General and Parliament on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy;
- ensure the enrolment of eligible electors;
- prepare electoral rolls for parliamentary elections, voters' lists for local government elections, jury lists, and provide enrolment information to members of parliament and registered political parties;
- contribute to public understanding and awareness of elections and electoral matters through information and education programs; and
- report to Parliament on the VEC's activities.

Governing legislation

Much of the work of the Victorian Electoral Commission (VEC) is governed by legislation. The Electoral Act 2002 is Victoria's principal electoral Act, providing for the enrolment system and the conduct of parliamentary elections.

The Constitution Act 1975 sets out who is entitled to enrol as an elector, who is entitled to be elected to Parliament and the size and term of Parliament.

The Electoral Boundaries Commission Act 1982 governs the determination of State electoral boundaries.

Legislative changes affecting the 2002 Victorian State election


After the 1999 State election, the Electoral Commissioner had recommended that Victoria's electoral legislation be reviewed and rewritten. The Attorney-General approved this proposal and the VEC conducted a comprehensive review of the legislation. The results of this review were largely incorporated in a Bill.

Previously The Constitution Act Amendment Act 1958 was Victoria's principal electoral legislation. It was first enacted in 1890 and subsequently amended on a number of occasions but had never been thoroughly revised.

As a result, the Act was poorly organised, prescriptive in some areas and lacking detail in others. The Electoral Act 2002 is the result of the most comprehensive review of Victorian electoral legislation since 1890.

The reforms contained in the new Act impact on all election stakeholders and participants. The major legislative changes applying at the 2002 election are summarised below.

General
- The Act retains all essential electoral principles, ensuring transparency and accountability in the election process, while providing more flexibility to allow the VEC to improve election management.
- The Act is better organised and more concise than its predecessor, making it easier for stakeholders to understand electoral law.
- Terminology has been changed. Returning officers are called election managers, polling day is called election day, and polling places are called voting centres.
**Victorian Electoral Commission**
- The Act establishes the Victorian Electoral Commission (VEC) as a body corporate. The VEC consists of the Electoral Commissioner whose current functions, powers and duties have been transferred to the VEC.
- The VEC must publish an election manual and has the power to issue directions about enrolment and elections.
- VEC staff are not permitted to nominate for election to Parliament.

**Enrolment**
- The Act establishes that electors must be enrolled at their principal place of residence. In the past, an elector who has changed address and not updated their enrolment has been able to vote at State elections. This is no longer the case.
- The penalty for failure to enrol or update enrolment is now $100.
- The VEC has been empowered to refuse to include inappropriate names, such as political slogans or offensive names, on the register of electors.
- The Act gives the VEC the authority to gather information from government agencies and utility companies for enrolment purposes. The VEC will use this information to assist electors to enrol or update their enrolment. The information provided will also help the VEC to identify any cases of enrolment fraud.
- Electoral rolls are no longer available for sale, to protect electors’ privacy. Electors are still able to inspect lists of electors at the VEC and contact the VEC to check their own enrolment details. At election time, rolls are available for inspection.
- Enrolment information provided by the VEC can only be used for specific purposes. There are heavy penalties for misuse of the information.

**Registration of political parties**
- Requirements relating to the registration of political parties have been tightened. Only parties with substantial community support will be registered. To be eligible for registration a party must have at least 500 members, who are valid members under party rules, who are Victorian electors, and who are not members of another registered party. Parties applying for registration must supply a list of members and contact details to the VEC.
- There is a $500 fee for applications for registration or changes to a party’s name.
- The VEC is now empowered to review political parties’ registration in order to determine whether they remain eligible to be registered. Where a party fails to obtain an average of four per cent of first-preference votes for all electorates contested by that party, the VEC must review the party’s eligibility to be registered.
- If a party is de-registered, it cannot be registered again until after the next State election.
Election procedures

- The roll for an election closes at 8.00 pm on the day designated, instead of 6.00 pm.
- The Act provides more flexibility in the appointment and resourcing of voting centres. The VEC is required to consider accessibility issues when deciding on the location of voting centres. The VEC is also able to appoint early voting centres and determine operating times and services.
- The VEC must make publicly available the names and contact details of candidates.
- Registered political parties must nominate all their endorsed candidates at the VEC head office.
- To be qualified to stand for election, a candidate has to be enrolled as an elector instead of simply being 'entitled to enrol'.
- When nominating, candidates must sign a declaration that they are qualified to be elected.
- If a candidate dies between the close of nominations and 6.00 pm on election day, or if the successful candidate dies between 6.00 pm on election day and the declaration of the result of the election, an election fails and a supplementary election must be held.
- Election advertisements downloaded from the internet have to be authorised.
- A letter to a newspaper on election issues must include the writer's suburb or locality, not the writer's full address.

Voting

- Electors whose enrolment address has not been their principal place of residence for more than three months before election day are not permitted to vote at that election.
- If an election official reasonably suspects that a person claiming to vote is impersonating an elector, the election official may require the person to make a declaration regarding identity.
- If a postal vote application is defective or is received too late to be processed, the VEC must take reasonable steps to inform the applicant.

Election results

- Electronic counting equipment may be used in the counting of votes.

Enforcement and offences

- Electoral offences have been reviewed, with generic offences such as providing false or misleading information replacing particular offences scattered through the old Act. Penalties have been brought into line with the sentencing levels in the Sentencing Act 1992, and in some cases have been substantially increased.
- The penalty for not voting has been increased from $40 to $50.

Public funding of election expenses

- The Act provides for public funding of registered political parties and independent candidates. Funding is on the basis of $1.20 for each first-preference vote received where a candidate obtains at least four per cent of first-preference votes. Parties and candidates receive funding only if they provide the VEC with an audited statement. Parties and candidates that spent less than their entitlement receive only what they spent. The VEC has the power to request further information and penalties apply if false statements are made.
- Holders of a casino operator’s licence or a gaming operator’s licence cannot donate more than $50,000 in a financial year to a registered political party.
Redivision of electoral boundaries 2000-2001

Under Victorian law, electorates for each house of State Parliament should contain approximately equal numbers of enrolled electors, not varying by more than 10 per cent from the average.

When the numbers of electors enrolled for the various electorates do not comply to a substantial extent with the equal enrolment requirement, a redivision of electoral boundaries is necessary.

The Electoral Boundaries Commission (EBC) is responsible for conducting a redivision of electoral boundaries. The EBC is a statutory body made up of independent and impartial officeholders: Chief Judge of the County Court (or the Chief Judge’s appointed nominee), who is the chair, the Electoral Commissioner and the Surveyor-General. The EBC is not responsible to any Minister or to the Government. The EBC has no staff or accommodation of its own and relies on the VEC for infrastructure and administrative support.

The EBC met on 23 November 2000 to consider enrolment figures as at 31 October 2000. These figures showed that enrolments for 22 of the 88 electoral districts (Legislative Assembly electorates) and two of the 22 electoral provinces (Legislative Council electorates) were outside the 10 per cent limit set for approximately equal enrolment.

The EBC considered that these enrolment figures did not comply, to a substantial extent, with the requirements of the Act with respect to approximately equal enrolment. The EBC therefore decided that a redivision of Victoria’s electoral boundaries was necessary.

The EBC considers the following factors in preparing new electoral boundaries:
- equality of numbers (enrolments for electorates must not vary by more than 10 per cent from the average);
- area and physical features of terrain;
- means of travel and communication;
- community or diversity of interests; and
- likelihood of changes in the numbers of electors.

The EBC does not consider the political effect of changes to electoral boundaries.

The redivision ‘abolished’ 21 of the 88 districts and one of the 22 provinces; and created 21 new districts and one new province. Only two districts’ boundaries remained unchanged after the redivision.

The new boundaries came into effect at the 2002 State election. However, members of the Legislative Council whose terms did not expire at that State election continue to represent electorates constituted under the old boundaries until the next State election.

Pre-election preparation by the VEC

The conduct of a State election is the culmination of three years planning and preparation by the VEC. The administrative infrastructure and large number of personnel that must be put in place immediately a State election is announced make a State election one of the largest and most logistically complex operations undertaken in Victoria.

The VEC operates with a core staff of 50, which is supplemented by temporary and casual staff. At the time of the State election there were 90 full-time staff working at the VEC. In addition, contract staff are engaged to provide specialist services such as IT support or software development. There were also some 14,000 people engaged by the VEC to conduct the State election in election managers’ offices and in voting centres.

There are many aspects of a State election that require the expertise of external service providers. The contracting of external service providers allows VEC staff to focus on their election-specific areas of expertise. It also ensures that Victorians are provided with the highest quality election services, using the latest technologies and systems.

In early 2002, the VEC entered into contracts with a range of specialist service providers. Contractors were selected after a competitive tendering process, taking into account the quality of their service and value for money. Contracted services for the State election included:
- information technology;
- election advertising;
- public relations;
- telephone enquiry service;
- printing;
- transport;
- tally room construction;
- election staffing; and
- mail-house services.