11. Complaints Management

The VEC received 454 written complaints relating to the 2014 State election between October 2014 and March 2015. This is a significant increase on the 167 received in 2010. The VEC believes that the increase is largely due to the inclusion of an easy, online, email processes via a specific complaints email address.

Many complaints related to issues beyond the VEC’s control such as fundraising at voting centre venues, candidates’ campaign material being distributed or displayed on public and private property, or automated phone calls made by candidates or parties.

A significant number of correspondents registered complaints arising from a misunderstanding of the electoral process, or the content of candidates’ campaign material. The VEC will consider ways of including relevant explanations and information in its communication and electoral education materials.

The VEC aimed to acknowledge complaints within one business day of receiving the complaint and this was achieved in almost 90% of cases. In some cases where a complaint required investigation or follow-up with third parties, its receipt was acknowledged and a response was sent as soon as investigations were completed.

Complaints about Services to Voters

The VEC received 302 complaints relating to its services to voters. Although this is a significant increase on the number of complaints received in this category when compared to 2010, as noted above, the use of email has increased the accessibility of the complaints process. Also, a large proportion of these complaints involved a misunderstanding of the electoral process, and were resolved through the provision of further information.

Voting Centres

Ninety-three complaints were received in relation to the service, staff members and facilities provided at voting centres both throughout the early voting period and on Election Day.

Thirty-three complaints related to the queues and waiting times at voting centres. Although the VEC estimated the number of votes issued at each voting centre to within 99.83% accuracy, the times people chose to vote is less predictable. Queue lengths were monitored throughout the voting period and additional staff members were deployed as soon as possible after a need was identified. Due to issuing a higher number of votes than anticipated, a small number of voting centres could not supply electoral materials, including ballot papers, to voters. Four complaints were received relating to this issue.

All voting centres were resupplied with materials as quickly as possible. The limited availability of how-to-vote-cards at early voting centres was noted by two complainants.

The provision of accessible voting centre venues continues to be a challenge for the VEC and 34 complaints were received relating to location, accessibility and appropriateness. Fifteen of these referred to the limited number of venues accessible to wheelchairs and the elderly. Despite its best efforts, the VEC was not able to ensure that all venues were wheelchair accessible. Early voting centres posed particular accessibility challenges for the VEC, with 11 complaints referring to the lack of lifts and ramps, limited car parking for use by disabled voters, and long corridors within early voting centres. To assist voters, an accessibility audit was conducted to ensure that all voting centres were classified according to recognised national accessibility standards.

Twelve complaints, comprising a significant proportion of all early voting centre complaints, referred to the limited number of early voting centres available in some districts. In particular, the district of Euroa was highlighted by voters as requiring an additional early voting centre after a change in the usual location of the District’s early voting venue occurred. Three complaints were received in relation to early voting centres in Melbourne airports, with those electors mistakenly assuming that the early voting facility would be located beyond the customs area.
Complaints Management

Election Officials

Forty-five complaints were received in relation to election officials, including complaints relating to attitude or conduct, knowledge of processes, provision of information and materials, and voting centre management skills. Twenty-one of these specifically related to early voting centres with some voters complaining about being questioned by election officials regarding their ability to vote on Election Day. These complainants were unaware that the Act requires election officials to elicit a declaration that the voter is unable to attend a voting centre on Election Day in order to be issued with an early vote. All complaints were investigated, and where necessary, corrective action was taken as soon as possible. A small number of officials were provided with additional training to ensure correct procedures were followed.

Twenty complaints were also received in relation to the employment conditions of officials working in voting centres. Complaints related to the skills and competence of election managers (5), the number of staff allocated to voting centres (4), the significant length of time worked on Election Day (7), and the hiring process and allocation of working hours (4).

Postal Voting

Eighteen complaints were received in relation to regional and overseas postal voting. These complaints related primarily to the delay in receiving ballot papers (14). A small number of complaints resulted from confusion arising from the differing postal voting requirements prescribed by State and Commonwealth legislation.

Regional and Overseas Voting

Fifteen complaints were received from regional and overseas electors. Seven related to the limited number of overseas voting centres, and three to a mistaken assumption that overseas voters would automatically be sent ballot papers.

Information and Advertising

Twelve complaints were received in relation to VEC information and advertising. Four complaints related to the content and issuing date of the EasyVote Guide. Despite priority postage to regional areas, the VEC was not able to ensure that all voters received their EasyVote Guide in sufficient time to lodge a postal vote application. Three complaints also related to the timing of the notification of electoral boundary changes. One complaint was received in relation to electronically assisted voting material sent to voters who are blind or have low vision.

Other Complaints

Other complaints related to the provision of enrolment details to candidates (4), direct enrolment by the VEC (9), difficulties encountered with the VEC website (7), training and employment as an election official (3) and dissatisfaction with VEC processes and procedures (17). A number of complaints and two court actions were raised in relation to the number of voters who chose to vote early and the associated processes.

Enforcement of Voting Provisions

At the completion of the election, the VEC undertook enforcement of compulsory and multiple voting provisions. Twenty-six complaints were received from voters regarding compulsory voting enforcement with the majority originating from overseas voters who wished to be excused from any infringement as they were absent from Victoria over the election period. The majority of these complainants misunderstood VEC processes and expected that the submission of an overseas notification form would result in automatic excusal from voting (21).

An additional 15 complaints were from voters who received a follow up letter after providing the VEC with an accepted response to an Apparent Multiple Voting Notice. These complainants objected to the wording of the VEC correspondence, which outlined the allegations and the potential consequences should an instance of multiple voting be established. The VEC provided apologies to these complainants and undertook to conduct an internal review of the correspondence to help ensure that a balanced approach can be achieved and the appropriate messages conveyed.

Complaints about Candidates, Political Parties, Party Workers and Volunteers

One hundred and fifty-two complaints were received in relation to political parties and candidates. The majority of complaints concerned candidate postal voting applications, authorisation of electoral material and misleading and deceptive advertisements.

Under the Act, organisations and individuals other than the VEC are able to reproduce postal voting application forms and include them
with campaign materials. Many of these applications are not marked as originating from a party or candidate and are often mistaken for VEC letters and materials. The redirection of postal voting applications, containing voter details, to campaign headquarters also results in delays in the application being received and processed, causing confusion and frustration for voters. Twenty-eight complaints related to the legislative authority for parties to distribute postal vote applications, and/or the use of electors’ details for this purpose.

Forty-nine of the remaining complaints related to candidates failing to authorise electoral material, or allegations that electoral material was deceptive or misleading. A High Court determination in 1981 found that an equivalent federal legislative provision would only regulate publications intended to influence the manner in which the ballot paper was marked, not the political judgement of voters. Twenty-four complaints related to allegedly misleading and deceptive advertisements, with the majority of complainants misunderstanding the law and alleging that candidate publications contained untruths designed to influence voter judgement. Where an allegation regarding the due authorisation of material was founded, the relevant candidate or party was asked to appropriately amend the material and undertake to observe correct authorisation procedures in future.

Investigation of complaints relating to a lack of authorisation or a misleading and deceptive nature has become increasingly complex due to publication of electoral advertisements on the internet. Sections 83 and 84 of the Act prohibit publication of electoral advertisements without authorisation and publication of misleading or deceptive electoral material. The Act provides that ‘publish’ includes publication on the internet, but there are practical limits on the VEC’s ability to enforce these provisions in the online environment. Websites hosted overseas often require proof of legal processes initiated in the hosting country before content will be removed. The VEC is not in a position under the Act, as it currently stands, to initiate such legal processes and the VEC’s power is often limited to requesting that the material be removed.

Eleven complaints were received in relation to the conduct of candidates and a further seventeen regarding the conduct of party workers at voting centres. The majority of these complaints related to rude or aggressive behaviour towards voters, generally outside voting centres, with the intention of encouraging voters to accept how-to-vote cards. A number of such complaints, (6), were received noting the allegedly aggressive campaigning of the Firefighters Union and Ambulance Employees Australia and a smaller number of complaints, (4), alleged similar behaviour from the Liberal Party and the Greens. Although election officials monitor the conduct of candidates and party workers at voting centres, and strictly enforce the 3-metre rule, the presence of determined volunteers can be intimidating for some voters.

Other complaints related to the display and distribution of electoral advertisements on public or private property by the Labor Party, the Liberal Party, Rise Up Australia Party and a small number of independent candidates (6), the appropriateness and fairness of how-to-vote cards in relation to the Labor Party, the Greens, Country Alliance Party and the Liberal Party (5) and telephone calls from candidates and political parties including the Labor Party and the Liberal Party (7).

**Complaints about ballot papers**

The VEC received two complaints about the layout of the ballot paper for the Northern Metro Region, which was the largest ballot paper produced for this election, with 20 groups in two rows above-the-line and 52 candidates listed below-the-line.

One complaint was from an elector who had not realised the ballot paper was folded and had experienced difficulty locating and voting for his preferred party/candidate. The second was from a candidate who felt the location of an unnamed independent group on the second row of the ballot paper, directly below a named group, could mislead voters into believing the candidates in the group in the second row were a continuation of the named group on the first row.

The Electoral Act 2002 (the Act) directs how both Upper House and Lower House ballot papers must be set out. With an increasing number of candidates and parties vying for seats in all regions and districts, the length and width of ballot papers increases, and folding is frequently required to efficiently store, transport and distribute the papers.

In their manual, election officials are instructed to unfold each ballot paper before handing the paper to voters. This instruction is generally reinforced in face-to-face training. However, there may be some instances when the unfolding does not occur.

In relation to the placement of the groups and the candidates’ names on the ballot paper, this is dictated by the Act, and the random nature of the ballot draw. The VEC has no discretion to make changes to accommodate a layout that doesn’t suit a particular candidate or group.