

REPORT OF PROCEEDINGS BEFORE

**JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS**

INQUIRY INTO 2012 LOCAL GOVERNMENT ELECTIONS

At Sydney on Friday 28 February 2014

The Committee met at 10.00 a.m.

PRESENT

Mr G. J. Ward (Chair)

Legislative Council

The Hon. R. Borsak
The Hon. T. Khan
The Hon. Dr P. R. Phelps
The Hon. P. T. Primrose

Legislative Assembly

Mr A. R. G. Fraser
The Hon. P. G. Lynch
Mr D. W. Maguire
Mr J. T. Rowell

WARWICK GATELY, Electoral Commissioner, Victorian Electoral Commission, sworn and examined, and

ELIZABETH ANNE WILLIAMS, Deputy Electoral Commissioner, Victorian Electoral Commission, and

KEEGAN SCOTT BARTLETT, Senior Contract Manager, Victorian Electoral Commission, affirmed and examined:

[Evidence given via teleconference.]

CHAIR: Good morning and thank you for attending this public hearing of the Committee on Electoral Matters. The Committee is holding hearings this morning in relation to its current inquiry into the 2012 New South Wales Local Government Elections. Today we will be hearing from the Victorian Electoral Commission and the Lord Mayor of the City of Melbourne. For the benefit of the hordes that are in the public gallery today I note that the Committee has resolved to authorise the media to broadcast sound and video excerpts of these public hearings. Copies of the guidelines governing the coverage of proceedings are available on the table near the entrance. I will now declare the hearing open. I welcome Mr Warwick Gately, Ms Elizabeth Williams and Mr Keegan Bartlett from the Victorian Electoral Commission. Thank you for joining us and agreeing to appear before the Joint Standing Committee on Electoral Matters via teleconference today to give evidence. Can you still hear me okay?

Mr GATELY: Yes, indeed.

CHAIR: Excellent. The Committee appreciates you making yourself available despite what I am sure is a very busy schedule. We are very grateful. Can you please confirm that you have been issued with the Committee's terms of reference and the information about the standing orders in relation to the examination of witnesses?

Mr GATELY: I can confirm that the three of us have seen the material.

CHAIR: I remind members that since we are conducting the hearing via teleconference could they please ensure that they speak clearly and do not interrupt one another. Mr Gately, would you like to make an opening statement?

Mr GATELY: I would just like to make a few comments. I understand the Committee is particularly interested in voter entitlements and postal voting.

CHAIR: Yes.

Mr GATELY: I thought it might be useful to provide an overview of the Victorian local government election arrangement by way of comparison to that in New South Wales. First, there are some unique features with the City of Melbourne which are worthy of separate consideration and I will discuss these later. There are 79 councils in Victoria of different electoral structures. Some are divided into wards. They can be single-member wards, multi-member wards or a mixture of single and multi-member wards or the council can be un-subdivided. Councils must consist of between five and 12 councillors, with the numbers and structure to be reviewed at least every 12 years to fit three election cycles. These representation reviews are to be conducted by the Victorian Electoral Commission [VEC] as required by legislation.

Council elections are held on the fourth Saturday in October every four years. The last general elections were in 2012. All councillor positions become vacant with each general election. Council can choose to conduct an election by either attendance voting or entirely by post. They must make their decision to change the method at least eight months prior to the general election. A direct election of the mayor only applies to the City of Melbourne and the City of Greater Geelong. In selecting an election service provider councils will go to tender where the cost is expected to exceed \$150,000. While there is no legislative requirement for an electoral commission to tender or conduct local government elections in Victoria, the VEC has been the only service provider for Victorian local government elections since March 2002.

When engaged under contract as the election service provider the VEC will manage all elements of the election. The VEC operates a marginal cost recovery program, with councils invoiced for only those costs that directly relate to the delivery of the election. It is compulsory to vote in Victoria for enrolled residents, those on

the State roll, under the age of 70. The fine is presently \$72. Most councils engage the VEC to undertake enforcement action, with fines remitted to the council concerned thereafter. The counting system, preferential or proportional representation, is determined by the council's electoral structure, with election results ascertained either by computer count or manual count. At the 2012 local government election the VEC conducted elections for 78 of the 79 councils. Eight councils chose to conduct their elections by attendance while the other 70 were postal elections.

These elections involved over four million electors, 2,004 candidates contesting 631 agencies in 272 electorates. The turnout in postal elections was 72.5 per cent compared to 63.6 per cent in the attendance elections. Voter eligibility in local government elections in Victoria, while following the principle of one person one vote, is broader than for parliamentary elections and falls into three groups.

First, residents in the municipality who are on the State electoral roll have an automatic entitlement and must vote if they are 70 years and under. This list is managed by the Victorian Electoral Commission. These electors form about 86 per cent of the electoral roll across all municipalities. Second, are owners of rateable property in a municipal district who themselves are not residents of that municipal district. This entitlement is automatic, established from council records and limited to two persons per rateable property. It is not compulsory for this group to vote and the entitlement is managed by the chief executive officer. This category forms about 14 per cent of the electoral roll across all municipalities. Third, are those ratepayers who must apply to the chief executive officer to exercise a voting entitlement and this includes non-citizen owner-occupiers, company nominees and occupiers who pay rates. For this group applications expire after each general election and it is not compulsory to vote. This group forms less than 1 per cent of the electoral roll across all municipalities.

For the City of Melbourne, administered by its own Act of Parliament, the electoral arrangements are different. The Lord Mayor and the Deputy Lord Mayor are elected as a team using preferential voting. The other nine councillors are elected at large using the proportional representation system. Candidates for councillor positions may nominate in groups and voters may vote for those groups above the line on a Senate style ballot paper. Voting eligibility in the City of Melbourne varies slightly to that applying to all other councils. In addition to the two general entitlements discussed earlier, the occupier of a rateable property may enrol by application. Also, two voting representatives can be appointed by a corporation that owns or occupies rateable property and if this appointment is not forthcoming Melbourne City Council can enrol company officers using Australian Securities and Investments Commission data.

The chief executive officer manages this list and in all cases it is compulsory to vote once enrolled. Under the principle of one person one vote, the merging of the Electoral Commission list of electors with that of the many chief executive officer lists creates a significant challenge to identify, match and remove duplicates. This exercise is very resource intensive and time consuming. This issue of voter eligibility and entitlement management is receiving particular attention from the local government election review being undertaken in Victoria at the moment. The findings of that review may have relevance in this inquiry. As I understand it the stage one report is due for release in the very near future. Thank you, Chair, and we are ready to take any questions.

CHAIR: Do any of your other associates wish to make any statements?

Ms WILLIAMS: No, Chair.

Mr BARTLETT: No.

CHAIR: When you are responding to any questions could state your name for the benefit of Hansard so we can accurately record the comments. Thank you very much for that evidence which was most interesting. Do any members of the Committee wish to ask any questions?

The Hon. Dr PETER PHELPS: Thank you for coming along and attending today. I have a couple of questions. First, in relation to the principle of postal voting, was the move to postal voting done on the basis of trying to increase the proportion of people coming out to vote or was the original justification for it done on a cost per vote basis?

Ms WILLIAMS: The actual policy reasons behind the introduction of postal voting I am not sure of at this point in time which does mean that will have to get back to you. It was introduced in 1994 around the time that Victorian councils were amalgamated.

CHAIR: Just before you go on I would like to welcome the member for Liverpool, Mr Paul Lynch, to the meeting. We are currently talking to Mr Warwick Gately, Ms Elizabeth Williams and Mr Keegan Bartlett from the Victorian Electoral Commission.

Mr PAUL LYNCH: I am sorry I am late, but you blokes still have not fixed the M5.

The Hon. Dr PETER PHELPS: My next question relates to a broader issue. I understand that Victoria maintains a separate electoral roll from the Australian Electoral Commission. Is that still the case?

Mr GATELY: That is correct.

The Hon. Dr PETER PHELPS: If you are allowed to do so, can you tell me the additional cost to the Victorian Electoral Commission for doing that?

Mr GATELY: I do not have the dollar figure to hand in relation to that.

The Hon. Dr PETER PHELPS: A guesstimate?

Mr GATELY: As for the other jurisdictions, the Australian Electoral Commission, does bill the Victorian Electoral Commission on what is an established per elector rate and that is a quarterly account we get from the Australian Electoral Commission which manages some of that data sharing that we have and the data management arrangements that we have. There is a direct dollar cost back to the Commonwealth. I can provide that information at a later date if you so wish.

The Hon. Dr PETER PHELPS: That would be great if you could. There is potential here in New South Wales for that to occur.

CHAIR: Any other questions from members?

The Hon. PETER PRIMROSE: Earlier you mentioned participation rates. Can you repeat those figures as I missed them when you reported them? I think you indicated it was 72.5 per cent in relation to postal and then 60 per cent in relation to others?

CHAIR: It was 63.6 per cent. Did you hear that question, Commissioner?

Mr GATELY: Yes, Chair. The turnout in postal elections—this is 2012—was 72.53 per cent compared to 63.62 per cent in those attendance elections that were conducted.

The Hon. PETER PRIMROSE: Could you speculate as to the reasons for the differences in the participation rates?

Mr GATELY: We can speculate on that. I think the principal factor is one of convenience to the elector where a postal voting package which contains significant material is sent to each elector. That contains not only the ballot papers but also the candidate statements, quite clear instruction sheets on how to complete that postal vote and all the material necessary to return it to the Victorian Electoral Commission and have it entered into the count. It is also clear that non-resident voters have a greater turnout in the postal voting setting than in an attendance voting setting. So that is one positive. Also for all those above the age of 70 there is a greater turnout in postal voting. There are a number of advantages, not the least of which would be the cost factor as well where, from memory, I think an attendance vote costs about \$4.80, whereas a postal vote costs about \$4. That is in broad comparison terms. I might ask Mr Bartlett and Ms Williams if they have anything to add to that.

Mr BARTLETT: The councils, I guess, are interested in the postal votes. I have noticed that voters receive information about candidates in their postal vote packs. In terms of the reflection that we get from councils, that is one positive. All candidates potentially receive an equivalent amount of exposure through the

postal vote pack and therefore voters are able to consider that at their convenience during the voting period before they return their ballot. That is one advantage that we hear back from council.

Ms WILLIAMS: One other difference that we have observed with the postal elections in relation to attendance elections is the informality rates. For our 2012 election, for example, the average informal voting rate for attendance elections was around 10 per cent and the average rate for postal elections was around 4.6 per cent. That is generally an observation made at each round of elections. Obviously there are other factors that influence the rate of informality such as the number of candidates. When we have larger fields of candidates the informality rates increase significantly but in general there is quite a large difference in the average rate between attendance and postal elections.

CHAIR: Thank you, Ms Williams.

The Hon. Dr PETER PHELPS: For the eight attendance ballots which you mentioned, is there any capacity for postal ballots to take place at the same time as the attendance ballot is on, or is it purely either/or? Council does 100 per cent attendance or 100 per cent postal?

Ms WILLIAMS: The attendance elections run on the same rules as for State parliamentary elections.

The Hon. Dr PETER PHELPS: That is fine.

Ms WILLIAMS: There is a provision for postal voting but the electors need to apply.

CHAIR: You mentioned that the Victorian Electoral Commission [VEC] was the only one that had conducted elections. Is there anyone else that put themselves forward for tender? In New South Wales at the last election the Australian Electoral Company [AEC] ran a number of elections across the State for the first time. Do you have any competition down there?

Mr GATELY: Certainly it is there. Only the VEC engages in that tender process. I understand that the Australian Electoral Commission conducted a City of Melbourne election in 2003, but it has not been involved in that tendering process since then. I am not sure that it was an experience that the AEC would wish to repeat.

CHAIR: Obviously the individual councils pay for each election?

Mr GATELY: I will correct that. It was 2001, I believe, that the AEC conducted the City of Melbourne election.

CHAIR: Thank you. Obviously each of the councils pays for those elections. That is a cost to them?

Mr GATELY: That is correct.

CHAIR: Do you offer electronic voting for vision-impaired voters who might not be able to read postal votes, or in those other councils that conduct attendance ballots do you offer some form of electronic voting?

Ms WILLIAMS: We do not offer electronic voting at local council elections. The legislation in Victoria at the moment does not provide for electronic voting. We have other facilities that we provide for electors in voting, such as braille ballot material and large print ballot material.

The Hon. ROBERT BORSAK: I am intrigued that you mentioned \$4 and \$4.60 as the costs per vote between postal voting and representative or attendance voting. I am a little surprised that the costs are so close. Can you throw any light on that? It is almost not worth doing from a cost point of view.

Ms WILLIAMS: We have to recognise the average cost per vote when we look at the total cost of postal elections and the total cost of attendance elections. Postal elections could be viewed as being a bit high and we have included in that the City of Melbourne which has more expensive products because of the nature of their legislation and their ballot product. Also in 2012 we had the City of Greater Geelong that had a direct election of the mayor as well, which increased the cost of that election. So there were two quite large postal elections that contributed to that average.

The Hon. ROBERT BORSAK: One assumes that all the electoral matter that goes into those postal votes are supplied by the various parties and paid for by them in that costing?

Mr GATELY: There is no party electoral material in our ballot paper pack whatsoever. There are our products and there are candidates' statements. That is all that goes in the postal voting pack.

The Hon. Dr PETER PHELPS: Candidates statements go in?

The Hon. ROBERT BORSAK: What is a candidate statement?

The Hon. Dr PETER PHELPS: Is that not effectively a de facto "How to Vote"?

CHAIR: We have that here, too.

Mr GATELY: No. The production of candidate statements is quite clearly directed by regulations where candidates are limited to 150 words. They sign a declaration as to the content of that statement and, arguably, it will go to policies and beliefs in relation to the council for which they are standing to be elected. It brings every candidate almost onto a level playing field with what they can and cannot include in relation to their statement. There are clear regulations around that. The returning officers have quite clear powers as to what they can and cannot accept in the candidates' statement. It might be worthwhile for the Committee's staff to have a look at the Victorian regulations around postal voting, which are very prescriptive.

The Hon. Dr PETER PHELPS: Has anyone ever contemplated putting in preregistered How to Vote cards as part of the election pack?

Ms WILLIAMS: No, not that I am aware of here in Victoria. As an electoral provider, we have had councils request that we publish How to Vote cards but, again, we do not have any legislation to support that in Victoria.

The Hon. TREVOR KHAN: I am anticipating that we will come back to the issue relating to the City of Melbourne. With regard to postal voting what is the window for voting—that is, the time between the distribution of voting packs and the actual election date?

Mr BARTLETT: The regulations require that the postal vote is mailed out across various areas. No more than 35 postal ballot packs go out on each day and there must be at least 14 days before the close of voting. With postal elections in Victoria we usually mail them out on a Tuesday, Wednesday and Thursday within two clear weeks of the postal voting period and then voting will close on the Friday at 6.00 p.m.

The Hon. TREVOR KHAN: In respect of attendance voting at an election, is pre-poll voting available in those council areas?

Mr BARTLETT: Yes. We established an early voting centre at the election office. Then during the last two weeks of voting, we make recommendations to council, and we work with council on possible locations for additional early voting centres. That is really in a larger attendance council where we do our operations and additional early voting as well at the election office. Early votes can be taken at the election office as well as at other locations that are set up during the pre-poll period.

The Hon. TREVOR KHAN: Is candidate information available in the polling booths in those councils that do attendance voting?

Mr BARTLETT: There are provisions for candidates to register How to Vote cards for attendance elections, and they can only register How to Vote cards at early voting centres. Within the early voting centre there was provision previously in the regulation for copies of How to Vote cards to be available but that does not exist anymore.

CHAIR: Does the postal rule apply to the ballot papers? If you post them on Friday before 6.00 p.m. and they arrive after that date, are they still accepted?

Ms WILLIAMS: No. They must be with the returning officer by 6.00 p.m. on Friday.

CHAIR: Thank you.

The Hon. Dr PETER PHELPS: One of the criticisms that has been levelled at the State Electoral Commission in New South Wales is that they are too expensive and that they gold plate their electoral processes. That was some of the criticisms that have been raised by the councils who moved off to use the Australian Electoral Company. How would you describe your service? Is it first-class on Etihad or is it Tiger Airlines? Why are you so good at winning tenders?

CHAIR: They did mention \$150,000 per electorate.

Mr GATELY: Thank you for that question. We are a full service provider, and we conduct ourselves very well in that regard. We do marginal cost recovery only, so core VEC costs are not included in that cost. For example, if a particular council wants gold-plated advertising, we can do that, but that cost will be passed on to the council. So we are marginal costs only and, in that regard, notwithstanding that we are a single service provider, we are cost effective.

The Hon. Dr PETER PHELPS: What about the cost for the VEC employees who might be at councils? Is that attributed to the cost of the election or is that absorbed within the VEC's general budget?

Ms WILLIAMS: Any staff we bring on specifically to support the election, our returning officers and the staff who are out in election offices, and the costs of those staff are all passed on to councils. The costs of any core staff we have working at the VEC on an ongoing basis are not passed on to council, even though many of them are working on council election activities.

CHAIR: Does the State Government charge you payroll tax for your employees? Do you have to pay those sorts of taxes as they do in New South Wales?

Mr GATELY: Chair, if I can I will come back to you with a response in relation to that. We just do not have that detailed breakdown at the moment.

CHAIR: It has just been an issue up here.

The Hon. Dr PETER PHELPS: When election formats change is it up to the council or is it up to you guys to institute a program to inform electors that if you go down to the local school hall to vote next Saturday there will not be anyone there? Is it you or is it the council that is charged with the responsibility to inform voters of changes to the system?

Mr BARTLETT: We did have a couple of councils in 2012 that changed their voting methods; one changed from postal to attendance and the other in reverse, attendance to postal. With some councils we work with them particularly closely when we are finding their parameters, as it were, are a duplication in delivering their election, to avoid voter confusion. For the council that changed to attendance election we worked on quite a significant voter information campaign through a range of advertising media and the other councils took it upon themselves to do a lot of campaigning themselves on their change of method when they changed to postal.

What we do hear during compulsory voting is an enforcement that people do find that they can attend the Town Hall to vote and that they did vote, but often they are used to going to a place for State elections and Federal elections as well and they are used to going to that place. They do not realise that they are affected by the ballot pack in their mailbox a couple of weeks ago. But we do try and avoid that.

Mr DARYL MAGUIRE: Who maintains the non-residential voting roll?

Mr GATELY: It is the chief executive officer's responsibility. We maintain the State Electoral Roll, the CEO maintains the other requirements and we bring both those roles together. We merge with the duplicates but that is the responsibility of the CEO not the VEC.

Mr DARYL MAGUIRE: Including the city of Melbourne? Do they operate on the same system?

Mr GATELY: In the same manner, yes.

The Hon. Dr PETER PHELPS: If I could follow that up? What is the rate of response for non-residential voting? Except in Melbourne where it is compulsory, generally do you have any figures on the rate of non-residential voting across the northern councils and shires?

Mr BARTLETT: Absolutely. For attendance elections we checked out in 2012 the marks on rolls. It was about 9.49 per cent of the CEO list that voted that were entitled to vote at those elections. Postal elections, including the city of Melbourne, it was about 53.9 per cent.

The Hon. Dr PETER PHELPS: Fifty-three?

Mr BARTLETT: Fifty-three. There is quite a difference in terms of the number of CEO voters.

CHAIR: Is there any reason why that figure is so high?

Mr BARTLETT: We mentioned that earlier in terms of people having to attend a voting centre for an attendance election, and I guess the convenience of a postal ballot pack arriving in your mailbox, no matter where you are, almost potentially in the world, if you have got a postal address on the electoral roll, on the municipal voters roll, then that is where your post ballot pack will be sent and you just have to put it in a reply-paid envelope. Whereas for an attendance election I suppose the requirement is for you to attend; the expectation is that you will attend the voting centre unless you apply for a pre-poll early vote or unless you attend an early voting centre.

The Hon. ROBERT BORSAK: If I got it in my notes correctly you said earlier in your statement that 70 of the 79 councils carry out their elections through the postal voting system. How long has it been like that and is it something you expect to remain that way? Will you end up with 100 per cent eventually, perhaps excluding Melbourne?

Ms WILLIAMS: There has been a general trend across councils from one round of elections to the next where the number of councils participating in postal elections has increased. It has plateaued out pretty much at the moment. A few councils have gone from attendance to postal and from postal to attendance, but generally, since the introduction of postal voting, there has been an increased trend towards postal voting, but it has levelled out over the last two rounds of elections.

CHAIR: Have you done any analysis of the people who did not vote, the demographics of the people who did not vote by post or otherwise? Obviously you have voluntary voting outside of Melbourne. Have you done any analysis on the figures of who did not vote, the age demographics, where they are from, at all?

Mr GATELY: We have not undertaken analysis in that regard. I can have a look at the figures that I have and perhaps provide what information we do have, but not a significant piece of work in the way—

CHAIR: Do not go to any trouble; I was just interested that is all. In relation to the city of Melbourne was there any specific comment you wanted to make in relation to their system—any observations? Obviously it is different from the rest of the State.

Mr GATELY: The City of Melbourne of course has its own Act. We deal with the City of Melbourne as a particular matter and we work very closely with the council staff in relation to that. It does not present us with any more difficulty than any other election in the process but we do work very closely with the city of Melbourne.

The Hon. TREVOR KHAN: Could you just go through again—I am sorry, it overwhelmed me at the time—the process of, essentially, enrolling non-residential voters on the Melbourne electoral roll? You referred to the use of ASIC data and I got a bit lost at that point in time. How do you use that ASIC data?

Mr BARTLETT: The city of Melbourne municipal voters roll is administered by the City of Melbourne itself, the Melbourne City Council. I understand that their process is very comprehensive for enrolling voters onto the municipal voters roll. They do get a deeming provision where as the company does not nominate a voting representative they work with ASIC to identify directors and company secretaries from that data and put them onto it. Of course the entitlement provisions for the City of Melbourne elections are slightly different in the context that they are compulsory for all voters on the municipal voters roll to vote in the election.

The council does a lot of work to bring people onto the roll if they have an entitlement. They write to properties where they are aware people are not enrolled and people are able to be enrolled at that property. As well as that they have their own election information inquiry line that they operate in terms of people's eligibility.

The Hon. TREVOR KHAN: You will have to accept that you will have to step me through this one little bit at a time. Do I take it from what you say that the city of Melbourne will identify those companies that they take to be in some way connected with the city of Melbourne through the ownership of property? Would that be the general drift?

Mr BARTLETT: Yes.

The Hon. TREVOR KHAN: So does that mean that the first step of their process is either to look at their rate roll or Land Titles Office records to identify who the owners of properties are?

Mr BARTLETT: Usually through the rates records that the council operate. The ownership criteria are interesting as well. The ownership of property includes lessees as well, so occupiers with rates responsibility.

CHAIR: You have the people who are on the Victorian electoral roll who have got a vote and you have the property owners that have a vote. Then you could have someone who owns a property leasing it to a company and the company secretary potentially would have a vote?

Mr BARTLETT: Potentially, yes.

The Hon. TREVOR KHAN: Does that mean that on one property you could have multiple people entitled to vote?

Mr BARTLETT: Through different criteria, yes.

CHAIR: Take a Westfield, for instance. Mr Lowy would be entitled to a vote and he might have 300 or so stores. All of the people leasing properties in that complex would potentially be also entitled to a vote if that was in the City of Melbourne? There might be 300 votes, for instance?

Mr BARTLETT: Potentially, yes. In the City of Melbourne, in terms of their applications and some of their operating companies and enrolment facilities they do not actually enrol the voters.

CHAIR: It is only one vote per company, is it not? Is it multiple directors or is it just one vote?

Mr BARTLETT: You probably need to refer that question to the City of Melbourne. They administer that roll. It is the only unique aspect of our relationship with the City of Melbourne. They are administering the roll, they are the registrar for their voters roll, compared to normally the Victorian Electoral Commission officer who is the registrar for all other councils and their voters rolls.

CHAIR: We can do that. We are speaking with the Lord Mayor later this morning.

The Hon. Dr PETER PHELPS: Getting back to postal voting, do you operate on an automatic enrolment system in Victoria? For example, if someone changes their driver licence address does it automatically register on your roll or do they have to re-enrol specifically?

Ms WILLIAMS: We have similar enrolment provisions to New South Wales. If we are aware through VicRoads data that someone has changed address then the process is put in place, once we have confirmed a number of criteria, and those details are updated automatically.

The Hon. Dr PETER PHELPS: I am concerned about what might be called frictional disenfranchisement in postal voting, which might be caused by people moving. Presumably you send out personalised electoral packs to everyone, so it would be Peter Phelps at 23 Smith Street, Sunshine. What happens if I have moved and been tardy in updating my enrolment information?

Ms WILLIAMS: If you have moved the ballot pack will all be sent to the address that is on the roll. If that has not been updated—we do get many return to sender ballot packs. If you become aware of the election

and realise that you have not updated your enrolment there are provisions in the legislation for you to request a redirection of a ballot pack or to request a replacement ballot pack.

CHAIR: In relation to people who are carrying a proxy vote, a representative vote on behalf of a property owner, in New South Wales they need to register each election. Non-residential electors also need to do that. In Victoria do they need to register each election or is it that once they are on the roll they are on the roll and they must notify you if something needs to be changed or altered in some way?

Ms WILLIAMS: The concept of proxy voting we do not have in Victoria. For a number of those categories that fit within the CEO part of the roll, reapplication is required every election. The non-resident property owners are not required because they are enrolled automatically but other categories are required to apply for each election.

Mr ANDREW FRASER: If you had an accountant who had 30 firms with their registered address at their office in the Melbourne CBD, would that entitle those firms to vote within the CBD of Melbourne?

Mr BARTLETT: We do have situations like that. For example, we have a large law chambers in the City of Melbourne and, yes, they do appear on the municipal voters roll.

The Hon. TREVOR KHAN: If you had a shelf company provider that had maybe 100 shelf companies ready for distribution, all of which have as their directors the accountant and the secretary at the front desk, they could spend an afternoon voting 100 times in the City of Melbourne. Would that be the general outcome?

Mr BARTLETT: No, for one company there is a cap on the number of people that are enrolled—representatives that can be enrolled. In fact, I understand that it might be the first two named directors of a company that are the company voting representatives. The Lord Mayor might be able to respond better to those questions.

CHAIR: Thank you for appearing before the Committee today. We will send you some supplementary questions in writing, replies to which will form part of the evidence and may be made public. Would you be happy to provide a written reply to any further questions?

Mr GATELY: Indeed, we will do. We will await those questions and we will also get back to you on a number of queries that you had. If I can go back very quickly to Dr Phelps's question about the ballot paper material I will ask Ms Williams to quickly talk about the indication of preferences in relation to that material.

Ms WILLIAMS: There was a previous question about whether how-to-vote card material was included in the postal ballot pack. Certainly, how-to-vote material as provided or published by a candidate is not included in that but our legislation does allow candidates to submit an indication of preferences which is included with the 150-word statement that gets posted out to the elector. The ballot material contains a 150-word statement, a photograph, if provided, an indication of preferences if provided as well as the ballot material and instructions for voting.

There was one other point if I will just clarify or add to. It was in relation to the difference in cost between attendance and postal voting. It is probably worth considering that. In Victoria the election service provider is required to mail a voter card to every elector for attendance elections. That was an introduction made in the early 2000s, I think, which did increase the cost of attendance elections because you now had at least a mail-out to all electors included as part of that cost. It is worth factoring that in when you are considering postal and attendance costs in Victoria anyway.

CHAIR: Once again, I thank you all for your valuable time. This has been informative and educational for members of the Committee. Thank you for spending your time with us today. I wish you all the best.

(The witnesses withdrew.)

(Short adjournment)

ROBERT KEITH BENNETT DOYLE, Lord Mayor of Melbourne, City of Melbourne, sworn and examined:

CHAIR: I welcome Mr Robert Doyle, the Lord Mayor of the city of Melbourne, to our Committee. Thank you for appearing before the Joint Standing Committee on Electoral Matters today to give evidence. We really appreciate your taking the time to be with us.

Mr DOYLE: It is a pleasure.

CHAIR: Could you please confirm that you have been issued with the Committee's terms of reference information about the standing orders that relate to the examination of witnesses.

Mr DOYLE: I have.

CHAIR: Excellent. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr DOYLE: I do not.

CHAIR: Would you like to make an opening statement?

Mr DOYLE: I would, thank you. Thank you very much for having me. It is something that, obviously, I take very seriously. I want to emphasise that I am not here to advocate any particular model. I would think that would be impertinent from our city to your great city, but I do want to give you something of my experience of the Melbourne model, given that I am not just the incumbent Lord Mayor elected twice under that system but also was a member of the Parliament that enacted the City of Melbourne Act that created this system, from opposition but in support of the Act. If I could take you back a little into history, I think it would be fair to say that in the eighties and nineties it was considered that the Melbourne City Council was a less than optimal performer. I think that was a widespread view throughout the community. The Labor Government under Steve Bracks commissioned a bipartisan study. I have a copy here for the Committee, if you would like me to table that later.

CHAIR: Yes, please.

Mr DOYLE: It is called "A Way Forward". Members of that committee were a very eminent group of people: Joan Kirner, the former Premier of the State; Alan Hunt, the very well-known senior Minister in multiple ministries; and the Reverend Tim Costello. Their mandate was to look at the Melbourne City Council and look at exactly what they say it is—a way forward—and that is what they did. In 2001, I was in the shadow Cabinet that considered the City of Melbourne Act. We supported the City of Melbourne Act, which puts into legislation the broad thrust of what is in that document, "A Way Forward".

I will go to what I wanted to say to you about these matters. The central question with which that report grapples is: Is the capital city, the core city, different from other local government authorities? If it is, how is it different? What does that mean for its legislative treatment? I would say in answer to that, yes, the capital city is different. I will give you one small and one rather large example because I know our time is limited. The first is the capital city, the core city, is busier than any other part of the metropolitan area. You would know we have a population of about 4.3 million in the greater metropolitan area. In the city of Melbourne on a quiet day, 850,000 people pass through the centre of the city. On a busy day, it is a million. That implies a level of activity that is different from other local government areas and different in the way that you treat it in the big systems, such as power, water, transportation, health, education or anything else. But that is a small example.

The big example is economic, and I think this is the thing that is very much on our minds at the moment. Yesterday we had the terrible announcement of the potential loss of 5,000 jobs from Qantas. In Victoria, you would also be aware that in manufacturing we have taken some very heavy hits lately, such as the announcements that Ford, General Motors Holden [GMH] and Toyota will close within the next three years, which is just terrible for our economy. But I want to make this point to you: If you add up all of the jobs in the automotive industry in Victoria—the direct manufacturing jobs and all of the downstream componentry jobs—there are 23,500 jobs in the automotive industry, according to the Australian Bureau of Statistics [ABS]. It will be a great pity if we start to see the erosion of that manufacturing sector.

Could I make the point to you that in the last six years—and we do this through something we call the census of land use and employment, which is a survey that we run every two years—we have generated 77,500 new jobs in the core city. Contrary to what you might think about our city, they are not making coffee and doing hair!

Mr ANDREW FRASER: I am sure they are.

Mr DOYLE: No, they are not—I promise you that. They are actually real jobs. If the Committee would like the breakdown of them as you look at that question further, I am happy to provide that as well. But what I am saying is that the business of the city is business. It is what drives the economy of the greater city and that in turn drives the economy of the State. It is inescapable. I am not saying the rest is not important: of course it is. But it is that core city which drives the economy. If it gets sick, then the city and the State get sick.

What does that mean, if we acknowledge that the capital city is different? Here is a starter: 70 per cent of my rates are paid by business. That is everything from small businesses—the little one and two person businesses all the way up to BHP. When you consider that local government came from the city's history, it is not the same franchise as State or Federal electoral histories. It is a property right. What we decided was that we wanted to be inclusive and that is a fundamental precept. Do not exclude people who have a stake in that capital city, particularly around business.

We did some quite, I guess you would say, controversial legislation, but remember this was bipartisan—brought in by a Labor Government and supported by a Coalition Opposition. It is the city of Melbourne that maintains our roll, not the electoral commission. That is a big difference because of the proactive way the city manages it. I will come to that in questions, if you would like me to. The eligibility questions are much broader for us, from my observation, than they are for you here. They seek to be inclusive so we do not have things like, "You have to pay rates of at least \$5,000 before you can be on the electoral roll." Our view is that, if you are an occupier, a lessee or a businessperson in the city, you deserve a say in the governance of the city.

For that reason, when you look at our provisions—and I am sure the Victorian Electoral Commission [VEC] can give you that and I can also give you the details as well, if you would like me to—you will find provisions such as a month's eligibility for us. International students can enrol because they occupy a space in the city and they pay their rentals. I suppose the most contentious thing is our provisions for business. What this report determined and what was enshrined in legislation was that business would get two votes for each business. More than that, they could identify who those two votes were—directors or company secretary. If they did not, then the city deems that vote. We identify who it is in that company who is eligible to vote and we put them on the electoral roll. How do we do that? We do it through the Australian Securities and Investments Commission [ASIC] and its documentation. We use the census of land use and employment that we do every two years as a means to gather the information we need to get that roll as accurate as we can and we use the electoral office data as well, of course.

If you look at our electoral roll, the Victorian Electoral Commission [VEC] roll makes up 40 per cent of it. The other part of that roll is 60 per cent. That is because, as I have said, we felt that the business of the city is business. That is what was put into the mandate for the election of Lord Mayor. By the way, we are very proactive about that. For that census of land use and employment we go door to door to identify those companies and determine their eligibility and then put them on the roll. Because we are postal voting, communication with those businesses is easy to let them know what their entitlements are. I will not go much further, unless you want to ask me something in particular about that, except to say the other things that have been a part of our system have served us well—as you would expect the incumbent to say, by the way. Nevertheless, the preferential voting for Lord Mayor and Deputy Lord Mayor and not allowing the leadership ticket to then be councillors, the proportional voting for councillors, the provision of above-the-line voting—many of the things that you would recognise and some of which you use—we have found to be very useful, such as the idea of an undifferentiated single ward being the city, which is particularly important, and continuing the postal voting, which in Victoria in local government elections has a higher turnout rate than attendance voting.

For all of those reasons, although we are not suggesting that our system is by any means perfect, it certainly took the Melbourne City Council from a position where it was fair to say it was not generally held in high regard—either by the public or the other professional levels of representation at State or Federal level; it was not regarded very highly at all—to a place where—although we understand perfectly that we do not have Executive power, our powers are quite constrained and we are quite properly the creature of State Government

as I believe local government should be—nevertheless we have become, I hope, one of the powerful voices in making sure that that economy of the city keeps ticking over and, to some extent, insulates, even in bad times, the rest of the city and the State from economic downturn. I will stop there and take questions.

CHAIR: How comprehensive is the census of land use and employment? Could you elaborate on some of the questions that are asked and the information that is gathered?

Mr DOYLE: We test what is being done, where, by whom and in what numbers. It is a very comprehensive survey. I said that in the past six years we have created 77,500 jobs. I can show exactly where they are in each sector down to even sub-sectors of the economy and I can show you what the figures were in 2006, 2008, 2010, 2012 and then again in 2014. It is very comprehensive and it is also about land use, which helps us in our statutory land use planning role as well—what is happening, where and how areas are changing. Perhaps the best thing for me to do is to provide you—it is certainly online—a link to the soft copy and a hard copy for you about our latest data.

CHAIR: In relation to voting, which is obviously one of the more contentious issues of who is on the roll, the Committee discussed with the Victorian Electoral Commissioner how that process works and he suggested we ask you some questions in relation to that. Could you have a scenario where someone who holds a number of shelf companies enrolls all the directors of those shelf companies and has potentially several hundred or more votes on the roll? Could that occur? If not, why not.

Mr DOYLE: No, it cannot occur. It has to be occupiable property. You cannot have an accountant with 25 companies, each of which gets a vote or two, as the case may be if they have more than one director. You have to occupy rateable property in the city or own rateable property in the city, so that would not be possible.

Mr PAUL LYNCH: You just disappointed Dr Peter Phelps.

Mr DOYLE: I am sorry.

The Hon. TREVOR KHAN: Not necessarily Phelps but I can think of some others.

The Hon. Dr PETER PHELPS: I do not have any numbers.

The Hon. TREVOR KHAN: He does: one.

Mr DOYLE: You can understand very readily why. With the ready availability of shelf companies and shell companies it would be a distortion of the electoral roll. I can absolutely guarantee to you that is not the case.

CHAIR: I have a view about the statement I am about to make. Why do you think that giving businesses a vote empowers them?

Mr DOYLE: It goes back to what I was saying before. If you look at who is least likely to vote in these elections it is likely to be business and yet who are the drivers of the capital city? It is business. It is 70 per cent of the rates, for instance. If you looked at the gross city product—by the way those 77,500 extra jobs are \$20 billion to us because we measure that as well over that period 2006 to now—it is business that drives it. The average punter is disengaged from the political process. How far more disengaged is the business owner, who may not live in the city but nevertheless is a part of the life of the city, and has a property in the city where he or she goes to work every day?

It was felt that that inclusive philosophy should, as far as possible, encourage business to vote and, in fact, it should reflect the business of the city. I do not know Sydney quite as well, I am sorry, but my area is the central city and then it has a very narrow skin of inner suburban Melbourne that is also a part of the city of Melbourne. I have arguments at the edges the whole time, usually of the next suburb out wanting to be part of the capital city. Carlton North is out, Carlton is in; Carlton North would like to be in. Previously, Kensington, which is to the north of the city, was out, wanted to be in, and it is now in.

There is an argument to say—and I guess the phrase is an old one that you will know—the answer is the community of interest. Which way do those suburbs look? Do they look for their community of interest

outwards towards the suburban Melbourne or Sydney or do they look for their community interest inwards towards the centre of the city and the capital? I might get hanged in Victoria for saying this, not that it has been done, but there would be an argument to say if you have answered that earlier question, "the capital city is different", then the next question might be: What is the capital city? Is it that narrow band of inner suburban areas or, in fact, is it just the capital city zone much more carefully described? Inside that for me, again, it is about business, and the importance of business being represented in that franchise.

CHAIR: How are challenges to the roll managed if someone is put on to the roll and they object, or someone else challenges a person's inclusion on the roll?

Mr DOYLE: It can be handled in three ways. First, it can be to us. Remember, we are the ones who compile the roll and so it can be done through there. Where there have been questions about the validity of the roll, or the authenticity of the vote, particularly during election periods, it is invariably, since this system was set up in 2001, the team for the City of Melbourne who have discovered that. So the first hurdle, if you like, is the City of Melbourne itself and the professionalism of the integrity of the roll. Second, we do contract the election and its operations to the Victorian Electoral Commission. So there is that second hurdle. Third, there is in Victoria, I do not know if you have an equivalent, a local government inspectorate that sits in the Ministry of Local Government. It is essentially the policeman of local government. Anyone can make a complaint to that inspectorate about any electoral matter, including eligibility of a voter to be on the roll.

In fact, that was done at our last election. One of my serving councillors was challenged and he had to demonstrate that he did have a commercial arrangement for a physically described lettable space in a building in order to demonstrate that he did have that entitlement to be on the roll. It does happen during the electoral period and afterwards.

Mr ANDREW FRASER: When you are deeming votes, do you often get anyone complain or challenge the deeming?

Mr DOYLE: I cannot recall a single example of a challenge or a complaint from those deemed. There are those outside that system, to be fair, who do not like it, who say it is a distortion. The decision was, yes, it was distortion but we are going to tip more towards business. The company itself can nominate who its two votes are going to be. If they do not do that then we automatically deem the first two on the ASIC roll: the director and the company secretary. It comes from the ASIC records that we deem.

Mr ANDREW FRASER: Do you deem the actual person, not the commission?

Mr DOYLE: Yes.

The Hon. Dr PETER PHELPS: What percentage of voting do you get from non-residents?

Mr DOYLE: That is difficult to say. I think local government and sometimes in the State Government you look quite properly at the low rates of participation. We get about 60 per cent participation. It would only be—I have sworn to it but I could not guarantee you—that my feeling would be of the 40 per cent who do not vote, the vast majority are business. They do not take it up.

The Hon. Dr PETER PHELPS: Is it correct, for example, a foreign national who is a student, say, at Melbourne University or RMIT and is living in your district, even though they are not an Australian citizen, still gets a vote in the council elections?

Mr DOYLE: Correct. They would have to apply to be on the roll. The numbers who do so are quite low, as a matter of fact. I have something like 32,000 international students living in the City of Melbourne who would be eligible. I would be surprised if there were more than a couple of hundred who are on the electoral roll. But remember it goes back to that original franchise, which was a property right. These are people who are leasing rateable properties and occupying them in the City of Melbourne. So going back to that philosophy of being inclusive, why should they not have a say in the governance of the city in which they live?

The Hon. Dr PETER PHELPS: That is a tradition of London.

The Hon. TREVOR KHAN: I do not want to be stereotypical in any way but if a large unit development in the centre of Melbourne is occupied by overseas students, does each of the occupiers in those

units have a right to vote or only those who appear on the lease document? You obviously know what I am referring to—over occupation.

Mr DOYLE: Yes, of course. Absolutely. Can I take that on notice? My view would be that it is only the person on the leased document because they are the one officially paying to occupy the leasable property. The others may apply to get on the roll, but they would have to demonstrate that they are paying rent in an occupiable space. I want to be really precise about that; we will get an answer for you from our governance manager because I am not quite sure. But I believe it was your former owner if you are on the lease document.

The Hon. Dr PETER PHELPS: Do you run on a continuous roll update arrangement or do you take a snapshot in time at a certain point out?

Mr DOYLE: No, we do it continuously. People are coming on and going off. Remember, we are looking at those ASIC records and determining are they on the roll, do we need to deem them as well. There is that sort of communication. Our major vehicle is that census of land use and employment every two years. That is a very major way of doing it. And there are people who apply from time to time. If the State electoral roll changes, that changes the roll too because that is the first thing we take in.

Mr DARYL MAGUIRE: We have heard evidence from the City of Sydney that maintaining the roll was expensive. Can you indicate the costs for City of Melbourne to maintain the roll and keep it updated?

Mr DOYLE: Again, I will take that on notice. I would say that we are not as wealthy as the City of Sydney. No-one is as wealthy as the City of Sydney and the cost of updating the roll has not yet come on to my radar. So I cannot imagine that it is prohibitive. I will find out for you. It is probably an embedded cost rather than a direct cost in terms that it will be people doing it.

The Hon. Dr PETER PHELPS: Do you have a dedicated unit within City of Melbourne that is looking at enrolment, that is, businesses and appropriate office bearers of businesses to be enrolled?

Mr DOYLE: We do. It sits as a function within our governance section.

The Hon. Dr PETER PHELPS: How many people would that be?

Mr DOYLE: I am not sure about the answer to that.

The Hon. Dr PETER PHELPS: Are we talking about a handful? Twenty?

Mr DOYLE: No, it would not be that many. I will take that on notice and find out. I know in some models governance sits within the Lord Mayor's office. It would not be proper if that was the section charged with the authenticity of the roll if it sat within the Lord Mayor's office. It quite properly sits within the CEO's office and it is a part of that. But that would only be some of their function. Obviously, as we come closer to an election, that flexes up a bit as well. It would be difficult to answer your question about costs because I have to take in, for instance, customer service as well and applications and inquiries that come in through there. But we will do our best to give you a figure.

The Hon. TREVOR KHAN: When looking at those, would you be able to identify the number, in a sense, of adjustments made each year to the roll with regards to non-residents?

Mr DOYLE: Yes we could.

The Hon. TREVOR KHAN: Perhaps also unrelated, would you be able to tell us whether ASIC charges you a negotiated rate on each company search you undertake to identify the company secretary and the like or whether, in a sense, it is the standard charge that solicitors get charged each time they log on and make an inquiry?

Mr DOYLE: It is not the standard charge. I am not sure whether it is a negotiated or licensed rate but, again, I will find that out for you.

The Hon. Dr PETER PHELPS: I will raise the elephant in the room: Was an argument made that this effectively is enfranchising capital and disenfranchising people in inner city areas who, in a number of

circumstances, are not particularly well off and so there is a transfer of power between a disenfranchised poor to an enfranchised rich?

Mr DOYLE: Okay, let me answer that first by an anecdote. One of my good friends at the time, who was at the National Australia Bank, assured me that I had the votes of the big four banks. He made the point to me, "Rob, that is eight votes. We have been outvoted by a Greens collective in Kensington in a share house." So I am not sure that that argument in reality necessarily holds weight. Secondly, I find that somewhat obnoxious. To me that seems like an old labour and capital argument.

The Hon. TREVOR KHAN: You have not heard some of the debates in the upper House.

Mr DOYLE: I have heard what passes for debate in the lower House in Victoria, but that is a different issue. I find that slightly offensive. I know it does not mean to be. I would make the point that on my council I do not have a majority. In fact, when I was first elected, myself and the deputy Lord Mayor had to be elected as a leadership ticket, I had one councillor from my ticket elected. This time I have three councillors, the deputy Lord Mayor and myself. I still do not have the majority on council. On our council we have Labor members, we have two Greens, we have Liberal members, who are the ones who give me the most trouble, and we have the Independent. I do not have a National. I do not have a big representation in the centre of the city. I do understand when you are talking about disproportion, but that is a different story. I do not believe, you know, get your expenditure out on the table and then, for instance, strike a rate that will help you to meet that bill. I know you have capped rates here in New South Wales, and I believe that is still the case—correct me if I am wrong. We do not have that in Victoria.

Since I have been Lord Mayor we have never gone above 3 per cent. In fact, in one year our rate rise was zero per cent because I believe that what you try to do is drive that as hard as possible. I remember a former director of finance saying to me, "Lord Mayor, you realise if you don't use this extra 3 per cent that's \$30 million that won't be in our pockets." My answer to him was, "Why is it better in our pockets than in the pockets of our constituents?" And I believe that. When we sit in that group we look at all of these areas and, for instance, where does the rate burden fall. We do not want it to fall on Kensington and North Melbourne, where it is much harder to bear than falling on South Yarra. So I think it is somewhat offensive to say that we then become owned by business, which has had a say. That is kind of not the way it works.

The other point I would make is that if that is the concern, maybe what you should think about is that community-of-interest argument: Do those in the suburbs really belong in the capital city or is their community of interest an inner suburban council? That is a question for you. We have answered differently. I would say it is more reflective, for instance, of the makeup of a capital city. It goes right back to that original question: Is the capital city different? If your answer is yes, how then do we respond to that?

The Hon. Dr PETER PHELPS: Would it be fair to say then in your view and experience that by making, if you like, the CBD areas richer, more pro-business, that it has a material benefit for those areas that might be described as less advantaged?

Mr DOYLE: I have no doubt about that. One thing I am looking to do in this term is to rebuild an inner city community facility. There will be some meeting rooms, maternal and child services, community and family services, counselling services. It is in Buncl Street, North Melbourne, right next to the high rise buildings where most of our recent Horn of Africa arrivals are. It is a very difficult community. It is a \$30 million spend. That is something we can contemplate because we are the capital city. I do not know that a suburban council could do that. It was just diabolical when the city was in wards. We moved away from that—and I know you are undifferentiated as well. People have to bring to the table almost as you do as members of Parliament not just a constituency focus, but a State focus and a policy focus.

What is the right thing to do? While I can see there is a kind of facile attraction to that labour versus capital, you are franchising the rich and disenfranchising the poor, in the reality of governance that is not how it works. That is just not how it works. Can you seriously imagine any council saying, "What I am going to do is really load up in the areas that are already advantaged and ignore the areas that are disadvantaged?" It would be not just poor governance and poor policy; it would cause an outcry. I am not sure that I accept that argument, but even if you were to accept it why then would the reverse not be true? If business really does drive the whole economy and provides most of the rates, why would you disenfranchise them as opposed to a much smaller minority of inner suburban residential payers?

CHAIR: I have a couple of quick, basic questions. The system that was brought in through the bipartisan work that was done in the Parliament, that has not changed in terms of voting. It is the same now as it was then?

Mr DOYLE: Yes.

CHAIR: And you obviously have postal voting?

Mr DOYLE: We do.

CHAIR: You do not have any form of attendance voting whatsoever?

Mr DOYLE: None. Councils can vote themselves. That is within the power of the council to vote for either postal or attendance voting. There are some that do attendance voting. The VEC records show that the participation rate is lower for attendance voting. The other point I would make is that to me—this might sound odd coming from someone who does belong to a political party—attendance-voting councils tend very much to descend into adversarial, partisan party-based local government politics, and I am not sure that is a good thing anyway for local government. It is certainly not in the capital city. When you look at postal versus attendance, although councils have the choice, the overwhelming majority of councils in Victoria choose postal. Something like 85 per cent to 90 per cent of councils choose postal as the means of the franchise.

CHAIR: Do you have any form of electronic voting in the City of Melbourne?

Mr DOYLE: No.

CHAIR: None.

The Hon. Dr PETER PHELPS: Is there anything you would like to change, anything about the current system that grinds or grates which you think could be improved?

Mr DOYLE: Lord mayoralty in perpetuity. I heartily recommend it to you when you decide to leave politics.

The Hon. Dr PETER PHELPS: Putting the lord into lord mayor.

Mr DOYLE: That is it. I think one of the difficulties is that—I will be equally blunt with you here because I am sure your experience in New South Wales is similar to ours in Victoria—from time to time local councils get out of control and there needs to be State intervention, sometimes at a very serious level. For that reason States have quite properly built in very conservative checks and balances, and that can be seen as a very good thing. I sometimes find that very constraining, because a councillor in the City of Melbourne has no different rights than a councillor in the shire of Buloke. Yet sometimes dealing with the administration is very difficult because of the constraints that are put around us because of the legislation. I understand why it is there but if we are going to make an argument, a special pleading, for the city to be different—after all, we are the only ones who have our own Act; and I presume your Act, like ours, where there is a difference between a local government Act and the City of Melbourne Act, the City of Melbourne Act that prevails. I presume it is the same for you here in Sydney.

That, to me, is something you could look at and say, "Is it really different?" I would say that particularly because of the experience of the City of Geelong. I do not know if you know our second city, but recently they went to a directly elected mayor, and there is a movement in Victoria to create directly elected mayors for these large regional cities, should they want to do so. It was not a successful model because the support structures for the mayor inside his own council and with the administration simply were not in place. I feel this very personally. The first elected Lord Mayor was a good friend of mine, a bloke I was at school with, Keith Fagg, a thoroughly decent, wonderful man. He got about 66 per cent of the primary vote, so he did pretty well. Within 18 months he had resigned out of frustration and ill health caused by that lack of support. Sometimes I think you need to think about that carefully, and that is because there is no executive power that resides in the lord mayor. And nor should there be. But it means you might need to give a lord mayor some way of, for instance, determining their own office, their own staff.

I am not sure how many you have here in Sydney. It might be a question you would like to ask in the mayor's office here. I have three administrative staff, one research staff and one general staff. That is it; so there are five in my office as lord mayor. I deal with more emails every day than the City of Melbourne does. I deal with more letters every day than the City of Melbourne does. I deal with not quite as many phone calls but quite a number of them. So that is not for me to determine, and that is the sort of thing that I might change. I do not want to surround myself with 17 or 18 people, but it is pretty skinny.

CHAIR: Can I seek clarity on one point?

Mr DOYLE: Of course.

CHAIR: You talked about ASIC and companies that are obviously taking up premises. What about non-residential electors? How easy is it for them to get onto the roll? You mentioned the rates roll. Is that something that the unit within your governance unit looks at as well?

Mr DOYLE: They do, and we can give you the breakdown figures of all of those different categories. How many residential? How many non-residential? How many businesses? Of those businesses, how many elected to take up the votes themselves and how many were deemed? We can give you a breakdown of all those elements of our electoral roll.

Mr ANDREW FRASER: This is probably out of left field but do you put out a regular newsletter and if you do is it paid for from allowances or is it council news?

Mr DOYLE: We have very careful rules about not using council money to promote, for instance, party political platforms. So the answer in that sense in the way that you would all do it in your electorates, no, that cannot be done with council resources at Melbourne City Council. We do have a newspaper, the *Melbourne News*—they are very imaginative in the communications section down there—and in that all my councillors have a portfolio and every time that is issued, and I think that is every two months, there will be a feature not necessarily on that councillor but on something in that councillor's portfolio that they wish to highlight. That goes to every household and every business and municipality. So to that extent we communicate and they are able to do that. Our social media and web-based media can also communicate through it and do. But no party or individual partisan newsletters are allowed with council funds.

Mr ANDREW FRASER: So the newspaper is a full cover?

Mr DOYLE: Yes, absolutely. We will send you a copy of the *Melbourne News*. It resembles the old-style—and I am sorry that we are losing them to mini classified advertisements—suburban newspapers that we used to get that we would sit around that were just full of articles of general interest about what is going on. It kind of resembles an up-market version of that, but picking it up you would not think in any way that this is a re-election tool. It just does not have that look or feel.

Mr ANDREW FRASER: It would be interesting to compare it with what the Lord Mayor of Sydney does.

CHAIR: I thought that is what you might be getting at.

Mr DOYLE: Let me go one step further. I have a Twitter account. I have about 40,000 followers on Twitter. My Twitter account is supported by the City of Melbourne, so they provide me with someone external to my office because he is young and a digital native—I am not even a digital immigrant; I am on some non-digital desert island in the middle of the Pacific somewhere.

The Hon. Dr PETER PHELPS: As long as you do not digitally riot.

Mr DOYLE: So this young man does my Twitter account for me. That is monitored out of the communication department, and the media and communication unit does not sit in the Lord Mayor's office; it sits as a division separately, the delightfully named CASM, which is Communication and Strategic Management, which is what I sometimes think of what I send down to them. Anyway, they monitor that Twitter account, so I have had instances where the young man who does it for me has actually written back to me to say, "Look, the advice is this probably crosses the line a bit", and therefore we need to recast it or not tweet it. It even goes down to that sort of level of integrity, to make sure that you are not using council resources for

personal campaigning—or, to be honest, not even campaigning. If it were a party political thing, if I were to put it out, that would not pass muster.

Mr ANDREW FRASER: So whilst this young man is punching the buttons, you are dictating the response.

Mr DOYLE: I have input, certainly. It is a funny symbiotic relationship. I give him the idea of what I want to tweet and he tells me either, "No, that is just ridiculous" or he puts it into tweet language for me because, as you might have noticed, I am not used to communicating at 160 characters or less.

CHAIR: I have one other question: Obviously in Victoria you have every other council with voluntary voting except for the City of Melbourne. Would you like to make any observation about whether or not there has been any push within the City of Melbourne to go to voluntary voting, or are you comfortable with the existing system?

Mr DOYLE: I am a great supporter of compulsory voting. I know this is an argument we have; we have it at State level and we have it at Federal level as well quite often, and we will find colleagues in all of the major parties who think both ways. I know many colleagues in my party who would argue that it should be voluntary and there are other people who say it should be compulsory. I have a personal view that it should be compulsory. I look at the American system where their energies go into registering voters rather than talking to voters, and I do not want to sound too sort of stuffed shirt here, but democracy is not some sort of incidental gift. It is a responsibility, and I think that people should be required to exercise their role in that responsibility.

It is fascinating to me—one of the great joys of being in local government, and I imagine some of you may have been in local government as well, is that as Lord Mayor I get to do citizenship ceremonies. What we do now is ask the Australian citizens to also give the affirmation of the oath that the new citizens give, and when I see on those new citizens, you know, the right to vote, I tell you what, you do not have to make it compulsory for them. For them, this is a precious, precious thing. I would love to think our whole community felt like that; they do not. I could go on and on about it, but it is that idea that democracy is not some casual gift, it is a responsibility of the citizens to maintain, and that is why I would support compulsory voting.

Mr ANDREW FRASER: As I often say, bad governments are elected by good citizens.

CHAIR: Not in this State. Lord Mayor, thank you very much for appearing before the Committee today. The Committee may wish to send some supplementary questions in writing, replies to which will form part of the evidence and may be public. Would you be happy to provide a written reply to any further questions?

Mr DOYLE: Absolutely.

CHAIR: I propose that the documents which have been identified form part of the evidence that the witness gave. Do members of the Committee concur?

The Hon. TREVOR KHAN: Yes.

Mr ANDREW FRASER: Yes.

Mr DOYLE: Thank you for your hospitality and thank you for having me.

(The witness withdrew)

The Committee adjourned at 11.43 a.m.)