



Our ref: 28 February 2006

Mr Ian Quick  
President  
Save Our Suburbs (Vic)  
PO Box 2233  
Richmond South Vic 3121

Dear Mr Quick

Thank you for your correspondence dated 26 February 2006 in which you raise a number of issues relating to access to specific electoral information. I shall take the issues in order of mention:

*Release of detailed ballot paper data for 2005 elections*

Recent changes to the local government (electoral) regulations (see Div. 6, Regs. 113 and 114) direct that electronic copies of any records of preferences used for electronic counting of votes must be returned to the relevant council's Chief Executive Officer, or their authorised representative, to ensure their safety and secrecy for a period of four years.

When you last raised the issue with the VEC, I remember suggesting that you outline the purpose of your request. I needed to determine the proposed use of the data and satisfy myself that it would not be used in a contrary manner e.g. to embarrass certain candidates, or to predict who would be elected in a count-back situation - potentially enabling pressure to be placed on incumbent officials. These are examples of why the legislation was tightened to ensure 'safety and secrecy'.

At the time, I was willing to consider supporting access to this data for perhaps one or two elections if I could be satisfied as to its use. I am not able or willing to support access to this information for all councils as now requested.

*Availability of Candidate Statements after the conclusion of the election*

Recent changes to the local government (electoral) regulations direct that Candidate Statements must be published on a website, which is not the council's website as soon as is practicable after their information is accepted by the returning officer. The intended purpose is the provision of information by which electors may make decisions regarding who they may wish to vote for at a particular election.

At the conclusion of any campaign period/election, the purpose for which the VEC has been provided the information has expired. The VEC takes a vigilant stance on the protection of information for reasons of appropriateness and with regard to the *Information Privacy Act 2000*. In those circumstances, the VEC does not propose to provide you with any candidate statements.

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You could note, however, that every person has the right to request access to such documents under the *Freedom of Information Act 1982* ("FOI Act"). This will require a written request clearly stating which documents you seek and must be accompanied by a payment of a \$21 application fee.

*Candidate contact details for the 2005 Local Government elections*

By listing candidate phone numbers, the VEC provided the most accessible means of contacting candidates during the campaign. Not everyone has access to email. Each candidate could be contacted to request an email address if that was the desired intention.

The accuracy of the contact information provided is the responsibility of the candidate, not the VEC.

*Short term absence of the 2002 State election results absent from the VEC's website*

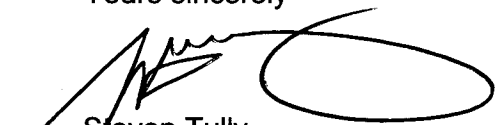
The VEC's previous website format did not meet Government Accessibility Guidelines. As such, the site was reconstructed to meet the Guidelines. The new site draws discrete segments of information from the VEC's Election Management System (a software system), which amongst other things stores historical data. A new piece of code had to be written to regenerate this data. A quality assurance process was also required to ensure that the data was extracted and formatted correctly. Unfortunately, the timing of this work was delayed due to the extra information requirements relating to the 2005 council elections in November (i.e. the necessary provision of candidate details and statements).

In reviewing the email trail between yourself and our Ms Frazer, I am confident that she responded quickly and transparently during our busiest period of the year and that you were provided a hardcopy of the report to Parliament for the 2002 State election in a timely manner.

The VEC's mission is to conduct fair and impartial elections efficiently and according to law, and to maintain the integrity of the Victorian electoral system. This requires the VEC to observe all associated legislation, including the *Information Privacy Act 2000* and the *Freedom of Information Act 1982*. It is not our purpose, nor is there any point in providing anything less than total transparency.

I trust this response satisfies your concerns.

Yours sincerely



Steven Tully  
Electoral Commissioner