

VICTORIAN ELECTORAL COMMISSION

RESPONSE TO ELECTORAL MATTERS COMMITTEE REPORT ON ITS INQUIRY INTO VICTORIA'S UPPER HOUSE ELECTORAL SYSTEM (MARCH 2026)

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1. Introduction

The Victorian Electoral Commission (**VEC**) acknowledges the findings from the Electoral Matters Committee (**Committee**) inquiry into Victoria's Upper House electoral system.

This document provides a response to each of the Committee's 7 recommendations as well as the minority recommendations. In doing so, we call attention to the opportunities and risks raised by the recommendations. As has been the case throughout our engagement with this inquiry, our responses are limited to the administrative, operational and technical impacts of the recommendations. It is critical that any reforms arising from the recommendations are administrable and allows sufficient time for us to plan, test and implement new and changed processes and systems.

Electoral services are not immune to increasing cost pressures and, where possible, our responses provide an indication of the additional resources needed to properly deliver on the recommendations. Section 3 of this response shows the estimated budget impact of each recommendation and demonstrates the need for additional resourcing or to de-prioritise important planned initiatives to deliver it.

We note the recommendation for a 2-stage reform process to eliminate group voting tickets, introduce the weighted inclusive Gregory method for surplus vote transfers, and review and improve the legislated referendum process, all in time for the 2026 state election. We could implement the elimination of group voting tickets in time for the election if legislation is introduced and passed not later than August 2026. However, even if legislation were passed immediately, we cannot implement the introduction of the weighted inclusive Gregory method in time for the election without introducing substantial risks to the delivery of the election. This is due to development and assurance work required, including thorough regression testing, audit and independent certification timelines, and any downstream updates required to our forms, instructional products and training packages. More information is provided below in response to recommendations 1 and 2 of the Committee's report.

Strategic pillars and objectives

Our strategic pillars and objectives are set out in our [Strategic Service Plan](#), published in May 2025. We have identified where the Committee's recommendations align to our strategic pillars, and this alignment is indicated for each VEC response.

Our strategic pillars



Reinforcing public trust

We are trusted to deliver electoral services with integrity and high quality



Improving the voter experience

We deliver a great voter experience



Responding to a complex environment

Our processes and systems respond to a complex environment



Prioritising staff safety and wellbeing

Our people are capable, engaged and satisfied



Our strategic objectives

Accessing election information in real time

We will provide trusted electoral information for Victorians

Voting options for all electors and situations

We will provide service excellence enabling voters to select from a broader range of voting options

Intuitive experiences for all candidates

We will ensure easy, fair, convenient and accessible processes for candidates

Safe, empowered employees

We will offer a safe and equitable workplace every day

For more information, visit vec.vic.gov.au/publications. To view the VEC's submission to the inquiry, and our submissions and responses to previous inquiries and other reviews, visit vec.vic.gov.au/submissions.

About our responses

We have adopted a consistent approach in response to each recommendation:

- We will **support** a recommendation if we accept the recommendation and it is directed to us or we agree with the recommendation and it is directed elsewhere.
- We will **support** a recommendation **in part** if only part of a recommendation can be operationalised or **in principle** if there is broad merit in the recommendation and it can be refined through further work.
- We will **note** a recommendation if it is not appropriate for us to provide a position on the topic, such as recommendations about government policy, or if further work is needed to formulate a position.
- We will **not support** a recommendation if we do not believe it has merit or if it risks undermining the administration, delivery or independence of Victoria's electoral system.
- We will say a recommendation is **not applicable to the VEC** if the issue has no impact on our work, now or into the future.

Budget impact of recommendations

We are funded by a special appropriation that has historically expanded in election years and contracted in non-election years. Our supply chain has evolved in recent years, so funding a major election can no longer be isolated to election years. Despite inflationary pressures across government services, our baseline funding envelope has remained flat.

Given our limited funding envelope, we need to carefully consider committing funding to new activities as they will require increasing our appropriation or reprioritising existing budgeted activities. This means we need to consider which of the Committee's recommendations can be operationalised without impacting our budget and assess the budget impact of all the others, both individually and as an aggregated impact on our budget position. A coloured dot in each of our responses indicates an approximation of the budget impact for that recommendation. These approximations are also summarised in section 3.

Our assessment of the budget impact of a recommendation does *not* mean we support or commit to operationalising it.

Lower impact ● (<\$100,000) means we expect to easily accommodate the recommendation within our current funding envelope and would not expect to need additional funding. Importantly, this does not mean there is immediate funding or resourcing available to operationalise the recommendation.

Medium impact ● (\$100,000-\$500,000) means we may be able to accommodate the recommendation within our current funding envelope, but might need to reduce funding for other activities or secure additional funding to do so. Again, this does not mean there is funding immediately available.

Higher impact ● (>\$500,000) means we cannot accommodate the individual recommendation within our current funding envelope and will need to secure additional funding to operationalise it. This is particularly the case for recommendations requiring major capital expenditure, such as buying new machinery, developing new computer systems or redeveloping existing computer systems.

No budget impact or not applicable ● means there would be no change to the VEC's budgeted activities or we would not bear the cost for implementing the recommendation.

2. VEC responses to recommendations

EMC recommendation	VEC response
Recommendation 1 That the Government implement Recommendation 17 from Volume 1 of the Committee's report on the 2022 Victorian state election as soon as possible, so that the new voting system will apply at the 2026 state election.	The VEC supports this recommendation in principle. ● <i>It supports our strategic outcomes of reinforcing public trust and improving the voter experience.</i> The Committee's past recommendation was to reform the Upper House voting system by amending the Electoral Act to eliminate group voting tickets, allow voters to indicate multiple preferences for parties/groups above the line, have ballot papers direct voters to select at least five preferences above the line, and include savings provisions that a vote is still valid if fewer than five preferences above the line are indicated.¹ We noted in our November 2024 response that if reform of the Legislative Council voting system is required to be implemented for the 2026 state election, it was critical for these changes to be made <i>immediately</i>.² Late legislative change would contribute to an unacceptable risk to electoral processes and systems. Given the 2026 state election is fast approaching, we urge legislation to be introduced as a priority and to be in force by no later than August 2026 in order for changes to be deployed accurately in time for the election. We also urge that the VEC be given the opportunity to be consulted on draft legislation to identify any critical issues that would impede the delivery of the reforms and elections. For example, the model proposed in the Electoral Amendment (Group Voting and Vote Counting) Bill 2026, which is currently before the Parliament, would abolish key savings provisions that are critical to preserve the existing voter enfranchisement in Legislative Council elections.

¹ Volume 1 of the *Electoral Matters Committee report on the conduct of the 2022 State election*, recommendation 17 (p. 59).

² VEC response to Electoral Matters Committee report on its inquiry into the conduct of the 2022 Victorian state election, p. 19.

EMC recommendation	VEC response
Recommendation 2 That the Government introduce legislation amending the Electoral Act, Local Government Act and City of Melbourne Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.	The VEC supports this recommendation in principle. ● <i>It supports our strategic outcomes of reinforcing public trust.</i> Changing the transfer values for surplus votes to be calculated using the weighted inclusive Gregory method would address infrequent edge cases where values can be inflated. However, it is too late for this recommendation to be implemented in time for the 2026 state election without introducing substantial risks to the delivery of the election. We have previously estimated that we would need around 18 months lead time from the passage of legislation to allow for development and assurance work required such as thorough testing of changes to the calculation of transfer values for surplus votes in our computer count application in time for controlled deployment at a major election event. Our computer count application is also independently audited, and we need to maintain development capacity for any rectifications needed following testing and certification efforts before system changes are ‘election ready’. As such, even if legislation were passed immediately we could not deploy this change at the 2026 state election without introducing substantial risks to the delivery of the election and, ultimately, the public’s confidence in electoral systems. This 18-month estimate also assumes that new legislation would follow a model used in a comparable jurisdiction to streamline development and testing. For example, the model proposed in the Electoral Amendment (Group Voting and Vote Counting) Bill 2026, which is currently before the Parliament, does not align with other jurisdictions and, if passed, could lead to unintended electoral outcomes, such as distorted preference flows. We could implement this change at an election if legislation were in force with sufficient lead time. This means that if legislation were in force by April 2027, we could implement the change in time for multi-councillor ward and unsubdivided council elections at the 2028 local government elections, ahead of the significantly larger Legislative Council election counts at the 2030 state election.

EMC recommendation	VEC response
Recommendation 3 That the Government review Part 9A of the Electoral Act to identify whether any changes to the process for referendums would be beneficial. Consideration should be given to the legislation and experiences in other jurisdictions and to: • whether the pamphlets setting out arguments for and against a legislative change should be sent to every elector or to every address which has one or more electors • who should write the information in the pamphlets • whether the Victorian Electoral Commission should be able to spend state money to publish neutral background or explanatory information to help voters understand the issues • whether the legislation should specify what marks other than 'YES' and 'NO' should be counted as formal.	The VEC supports this recommendation. ● <i>It supports our strategic outcome of responding to a complex environment.</i> We would welcome the opportunity to contribute to a review of Part 9A of the Electoral Act regarding changes needed to the prescribed referendum timelines and processes, identified gaps and ambiguities, and the VEC's role in educating the public about the issues.

EMC recommendation	VEC response
Recommendation 4 That, following the 2026 election, a new process be established to consider and negotiate different views about the best electoral structure for Victoria's Upper House and make a recommendation if it reaches general agreement. The independent process could be: • an expert panel • a citizens' assembly • a constitutional convention.	This recommendation is not applicable to the VEC. •
Recommendation 5 That the new process considering Victoria's electoral structure take note of the evidence provided to this Inquiry and set out in Chapters 3 and 4 of this report.	This recommendation is not applicable to the VEC. •
Recommendation 6 That, even if the voting system is changed, the Victorian Electoral Commission continue publishing detailed accounts of the distribution of preferences for each region, including the details of preference flows, how many votes exhaust at each count and the value of votes when they exhaust.	The VEC supports this recommendation. <i>It supports our strategic outcome of reinforcing public trust.</i> This is already our practice, and we would support continuing to publish proportional representation distribution details under any changed voting system. •

EMC recommendation	VEC response
Recommendation 7 That, as part of the new process considering changes to the electoral structure, consideration also be given to changing the Constitutional provisions specifying the dates for the issue of the writs and election day at general elections. This consideration should factor in current pressures on the timeline and any additional pressures that would come from a new electoral structure.	The VEC supports this recommendation. ● <i>It supports our strategic outcomes of responding to a complex environment.</i> We are supportive of reviewing Victoria's end-to-end election timelines to reduce current pressures and risks, particularly in light of any new pressures which would arise from a changed electoral structure. This aligns with our previous recommendation for a holistic review of the Electoral Act to address the unsustainability of the election timeline and respond to the complexities of the modern electoral landscape.³ It would be appropriate to streamline consideration of these matters as a holistic Constitutional reform if a referendum were to be conducted.

3. Budget impact of recommendations

EMC recommendation	Approximate budget impact			
	Lower impact <\$100,000	Medium impact \$100,000–\$500,000	Higher impact >\$500,000	No budget impact or not applicable
1				
2				
3				
4				
5				
6				
7				

³ VEC Report to Parliament on the 2022 state election and 2023 Narracan District supplementary election, recommendation 1, p. 13.

4. Minority reports

The Committee's report included 2 minority reports—a joint minority report from Chris Crewther MP, Evan Mulholland MP and Emma Kealy MP, and a separate minority report from David Ettershank MP. Both minority reports provided additional commentary on the Committee's deliberations but did not make recommendations requiring a response.