

ELECTORAL MATTERS COMMITTEE

Inquiry into Victoria's Upper House Electoral System

Melbourne – Monday 19 May 2025

MEMBERS

Dylan Wight – Chair

Chris Crewther – Deputy Chair

Jacinta Ermacora

David Ettershank

Emma Kealy

Nathan Lambert

Sarah Mansfield

Evan Mulholland

Lee Tarlamis

WITNESS (*via videoconference*)

Liam Morris.

The CHAIR: I declare I open the public hearing for the Electoral Matters Committee Inquiry into Victoria's Upper House Electoral System. All mobile phones should now be turned to silent.

I would like to begin this hearing by respectfully acknowledging the Aboriginal people, the traditional custodians of the various lands each of us is gathered on today, and paying my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge on this issue to the committee or who are watching the broadcast of these proceedings.

I am Dylan Wight, the Member for Tarneit. The other committee members with me here today are Chris Crewther, the Deputy Chair, Member for Mornington; Jacinta Ermacora, who is online, Member for Western Victoria; Nathan Lambert, Member for Preston, who is also online; Sarah Mansfield, Member for Western Victoria, also online; and also Lee Tarlamis, Member for South-Eastern Metropolitan Region. I welcome Liam Morris, who is online.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, including on social media, those comments may not be protected by this privilege. The committee does not require witnesses to be sworn, but questions must be answered fully, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

All evidence given today is being recorded by Hansard and is also being broadcast live on the Parliament's website. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

Liam, just at the beginning here we will invite you to give a brief 5-minute opening statement to the committee, which will be followed by some questions for the rest of the time allocated. So if you would like to begin, that would be great.

Liam MORRIS: Yes, hello. This may be a bit short, but just as a bit of background: I am just a student at Monash University. I am not studying politics, but I just have an interest in elections and whatnot and I wanted to have my say on the possible upper house structure of Victoria.

So, as far as I see it – others may see it differently – I believe one of the main outcomes of this inquiry is to arrive at a system that will produce a similar diversity of crossbenchers and party outcomes that group ticket voting has produced but under a system that ends up getting more consistent results than group voting tickets, which can have quite disproportionate results when you consider some votes for some parties versus their seat shares. The trouble is that if we had the same regions today – the same votes but no group voting tickets – we would likely have only four, maybe three, groups in the upper house: Labor, the coalition, the Greens and maybe some other minor or micro-parties such as the Shooters, Fishers and Farmers in the regions. Some people may be fine or happy with an upper house like that, but I think there are definitely various people and parties who would prefer other outcomes, such as maybe having a wider crossbench.

Out of all the models discussed, I support a statewide, non-staggered model the best. It generally allows for the widest range of crossbenchers to get in, and on a more consistent basis than group voting tickets. Under a statewide system you can just get a quota, which is not too high. With 40 members, a quota is roughly 1/41 plus an extra vote. But with group voting tickets, even if you get, let us say, 9 per cent or 10 per cent of the vote, if all other micro-parties just line up their preferences against you, regardless of how well they align – say, whether it is Animal Justice giving preferences to Derryn Hinch or whatnot – you get locked out. This does not really happen when voters do their own preferences, as they often find a major party represents them better than some of the other micro-parties, because not all micro-parties are the same.

I also think on the principle level, regardless of results, if the lower house represents specific geographies or communities, saying, 'This area is Box Hill, this area is Preston, this area is Lowan, out in the regions,' the

upper house can better represent ideologies, beliefs and parties. Your vote is no longer bound to just whether your favourite party is strong in your own town or region – if you want to vote for Shooters in the suburbs or Animal Justice in the regions, you can and you have the pick of any of the 40 upper house members who you think work in your best interests rather than just looking at the five you have got and saying, ‘Okay, maybe none of them represent me that well.’

Model 2, which has term limits and staggering, is quite similar to a statewide model in some ways, but I just would not support it, on the simple basis that I think an eight-year single election term is far too long. While New South Wales and South Australia have it and the sky has not fallen in, it is quite an anomaly around the world. I am not sure where else you get eight years or more on a single election. For example, Mexico can give you six years of presidency in one go, and Indonesia and France give you five. Even in the United States, where presidents can serve eight-year terms, you still have to do an election halfway in there, every four years, for the presidency. This is not to say that I am against members being in there with small percentages, but giving them eight years with nothing in between just seems far too long. That is just my subjective judgement on it.

Model 3, which is four regions of 10 members each – while I have rerun the analysis and found that you can get some more micro-parties in there and you get a smaller amount, it often is still quite limited. I believe in 2014 you may have only had three members out of a 40-member Parliament that were not part of the big Labor, Liberal and Greens. The geographic communities are just maybe too large to really satisfy anyone who believes that local representation is a major concern. Model 4, which is seven districts of seven members, which is an increase in the size of Parliament, does act as a better compromise that mixes the best of both rather than the worst of both.

Just finally, if I can get there, when I have modelled past elections, I found that top-ups did not typically increase the crossbenchers that much. Compared to a scenario without group voting tickets, with the current boundaries – where, say, only Labor, Liberal and the Greens and maybe one other get any seats in Parliament – top-ups would add only one or at most two seats, which often does not change much in terms of whose votes you need to get a majority, which does not actually change things. I think I have basically run out of my summary, but I can share my screen so you can just point at bits of the document and ask, because I have got more there.

The CHAIR: I think we should all have the document in front of us, Liam. Thank you very much for that. What we might do now is go into some questions, just being conscious of time. I think we will start with Chris Crewther, the Deputy Chair, to my left.

Chris CREWTER: Thank you very much, Liam. My name is Chris Crewther. I am the Deputy Chair of the committee. Thank you, Chair; and thank you, Liam, for your comprehensive submissions as well as the Excel spreadsheets you sent through and for appearing today. I note that your preference is for electing members from the state as a whole. Noting that in the Assembly the number of metro members outweighs regional, does this not potentially create a greater problem, where metro interests would be potentially prioritised by a government over regional interests? Would this not lead to potentially more city over regional investment and thus greater urbanisation over decentralisation?

Visual presentation.

Liam MORRIS: Okay, that is a fair concern, although I note already the majority of members in our current system are from metropolitan regions, as is the population of our state. But in a statewide system there is nothing to stop people in the regions from specifically looking at party tickets just to see who offers votes for regions best. You can also still get support from people in the city who may think, ‘I live in the city, but I think this party for farmers or this party for shooters may be better.’ Even though that is a decent concern, rural interests can still be represented through different parties and ideologies, which can then be represented proportionally through a statewide system. And again, there is still the lower house, which does section the state off into specific areas which can then better handle geographic representation.

Chris CREWTER: There might be, as you say, rural interests represented in the upper house under that model, but the issue I am trying to raise is that the majority would then likely be from the metro areas – just as the majority are from metro areas in the lower house, even though there is representation for the regions – thus

there is a risk of Melbourne metropolitan interests being prioritised over regional interests. Do you have anything further to add to that?

Liam MORRIS: I think it would just come down ultimately to where the votes align, because, again, I think people outside of Melbourne can still certainly look for and support candidates and parties that are from outside of Melbourne or that specifically prioritise outside of Melbourne more, such as, I think maybe, the Shooters, at a glance. I think in the end it is just a representation of how the state votes. If people in, let us say, the outer suburbs do not particularly care that a member lives in the same outer suburb or if a voter in the inner city does not particularly care that their member is not in the inner city but they just want someone who better represents their ideals, then I think that would show through. I think if there is a strong rural preference, then it would be reflected. I believe Ben Raue has a submission coming later, and his analysis, or his checking of others, found that typically in some countries that have whole-of-country systems, such as the Netherlands and Israel, there is a slight over-representation in regard to population of regional and peripheral areas. I have not done those studies, so I cannot speak to that, but that is at least what I am aware of.

Chris CREWITHER: You note in your submission that the Assembly can represent communities of geography and that a statewide model for the Council would allow the representation of constituencies of interest that are non-geographic. You also say that it would allow people to approach any of the 40 members with an issue, which you would hope could occur now, so I am interested in why you think that would occur more under this model. Would it not potentially make it harder for regional people to approach upper house MPs, given a statewide model, as per my previous question, is likely to promote a system whereby more MPs are city based, where the majority of the vote is, and therefore are further away from constituents in regional areas? It is probably a two-pronged question there.

Liam MORRIS: In the first part, are you just questioning the assumption that people would necessarily find more people they agree with?

Chris CREWITHER: You note that it would allow for people to approach any of the 40 members with an issue. You would hope that would occur now. Why do you think that would be more the case under a statewide model?

Liam MORRIS: Well, because under this current system, let us say, for example, that I really want to support Legalise Cannabis – okay, maybe that is not the best example, but if, for example, I want to support Legalise Cannabis, their members are technically in the South-East Metro Region and the Western Metropolitan Region. In theory at least, if I could contact them, they could still try to appeal to me, but whether I vote for them or not or whether they swing my vote would make no difference, because I am in the North-East Metro Region, where I literally cannot affect their outcome that much. Whereas if it is statewide, I can at least contribute to them in some way.

I could also argue for, say, geographic regions. Let us say there is a bus route that goes to Monash Uni that I think maybe should be upgraded – that maybe it should run more than every 30 minutes – that sort of cuts across two regions. So who do I go to? Do I say it is the North-East Metro Region, even though it literally only ends in that region and they may not get much benefit over more voters, or should I try a different region? If you are dividing upper house members into regions, I think there is definitely an incentive just to stay focused on serving that particular region rather than statewide as a whole. I think if you have a statewide mandate, you can do that more effectively.

The CHAIR: All right.

Liam MORRIS: Sorry, I have not really got to the second part. I think I may just go –

The CHAIR: That is okay. I am just conscious of the time to get some more questions in. Is there anybody online that would like to ask a question of Liam?

Sarah MANSFIELD: I am happy to.

The CHAIR: Yes, fire away.

Sarah MANSFIELD: Thank you so much for your submission, Liam. It is really interesting. I have a few questions actually that I would like to ask. The first one is: do you see any issue with doing this upper house reform in a two-stage process? At the moment we still have GVTs in place. They could be removed without a referendum, but to reform the structure of the upper house would require a referendum, which would likely have to take place alongside the next state election, and we do not know what the outcome of that would be, obviously. So do you see any issues with doing this as a two-stage process, where perhaps you remove the GVTs first and then reform the upper house at a later date if that is made possible through a referendum?

Liam MORRIS: I do not personally see issues with it and I do not think there are issues with it on merit, but at the same time I am just unsure whether that would actually get through Parliament. I am not sure whether Ettershank is here today; I do not think he is. I would be surprised if some of the micro and minor parties would ever vote for that. I am not even sure whether the Labor Party would just vote for that immediately. Apologies if that is implying, but I am getting the sense, at least from what I have heard of the politics over various years, that it just may not get through. But on the merits at least that is a fine idea, and that way you can still keep your regions even if people do not want a statewide system.

Sarah MANSFIELD: Thank you. With a statewide system, my understanding is that would lead to, as you pointed out, a very low quota to get a seat – the lowest of the proposed models, so about 2.5 per cent. Given that once you get to about half a quota or above, the chances of getting a seat increase significantly, that means people could potentially be elected on pretty small votes – of 1, 1.25 per cent – and around that mark you start to look more likely to be elected. So is there such a thing as too low a quota, and what do you think is a fair vote to earn a seat in Parliament?

Liam MORRIS: Yes, there could certainly be too low a quota. If there were, for example, 300 seats, then I think 1 per cent a seat would still be too low. But I am not sure what too low a quota would be. I think even 1 per cent in theory could still be fine. I think the vast majority of seats that are there would actually be there on the full quota. If anything, you might only have three or four. We do get a few shifts, let us say maybe five seats, that are on partial quotas in my modelling, at least one of which already has full quota representation. I think 40 is fine. Maybe that is the status quo bias. I think also the fact that the lower house is still a single-member district system where there are two major parties that could form government does limit fragmentation somewhat. I think it does influence upper house people to vote in a similar way to the lower house to some extent, which means that you will still likely have two big parties rather than the full fracturing that the Netherlands and Israel have. In short, I think 40 seats is still fine for statewide quota and that the lower house model would corral people towards two parties to some extent, which limits the fragmentation.

Sarah MANSFIELD: Do you think there would be any risk of similar gaming behaviour like we have seen in the current system, when you do have relatively low quotas to get in?

Liam MORRIS: I think it would be harder to game. Once you remove the group ticket voting system, the main gaming is that you stuck all these preferences from disparate micro-parties or parties that just do not agree with each other at all to pip seats from a larger party. But here if you have, let us say, 10 per cent, you will still get your rough number of seats on the quota. I am not really sure how you would game it. I think as you have more seats, preferences do matter less because you are just more likely to get there on a full quota. I think it would be harder to game. I think if someone tried to set up a bunch of parties like they do today to funnel preferences, if anything you might be more likely to dud yourself out of seat because you have split your vote too thin and the voters have not fully done their preferences. Voters do not follow how-to-votes that closely if they are given the chance to preference, I believe.

Sarah MANSFIELD: Thank you.

The CHAIR: Thank you, Sarah. I am just conscious of time, Liam, so I might just ask one quick final question if that is all right. It is along similar lines as one of Sarah's questions, which is around the quota with your preferred model, which is somewhere between 2.4 and 2.5 per cent – incredibly low. Given your evidence and your submission, obviously you support a larger crossbench in the upper house for various reasons, which is fine. But how do you balance that view with also ensuring, as Sarah said, that there are MPs in the upper house that are representative of a large cohort of Victorian views, if that makes sense? How do you balance what your view is of a larger crossbench or a large and diverse crossbench in the upper house with making sure that we have members of Parliament in the upper house that have actually got a pretty decent primary vote,

because 2.4 per cent is incredibly low? As Sarah said, we would end up with members of Parliament in there with 1.3, 1.4 per cent of the primary vote.

Liam MORRIS: Well, I think, firstly, if a member of Parliament comes from one of the big three, they are already backed by a political force that has received a large fraction. I think, beyond that, if you want to have a decent share, you do have to accept that some of these people will have a small preference vote, because some views are niche. But I think they should still be afforded representation.

I think for 2022 when you add up the votes of, let us say, Labor, the Liberal–National coalition and the Greens, you get roughly 75 per cent of the state, which means roughly one in four people want parties that are not necessarily from there. That is not necessarily to say they would prefer all micro parties, but they would at least like some representation outside of that. I think without a statewide system, even if you keep the same system and there is only Labor, Liberal and the Greens and you can say, yes, everyone is there on, let us say, roughly one-sixth or so of the vote – which is a nice quota; it is very nice and all of that – you still lock out a large portion of the state that want some smaller part of representation.

I guess the summary to that is that sometimes you do need to accept that there will be people there on small votes, because they still have to represent the last little bits of community. Just because they are there on a smaller quota does not mean their voice is illegitimate per se, because at least in this system they still have X number of primary votes. They still represent a small chunk of their community, and I think there is still some legitimacy in that, because at some point you would otherwise be saying their view is too niche to have any representation. That is true in all electoral systems, and I think the bar should just be, you know, a bit more permissive in that sense.

The CHAIR: All right. Thank you. Unless anyone has got anything else, I think that is probably great, Liam.

Witness withdrew.