

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

WITNESSES

Martin Shield, State Director, and

Jessica Wheelock, Head of Campaigns and Engagement, Australian Greens Victoria.

The CHAIR: I declare open 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 peoples, the traditional custodians of the various lands each of us is gathered on today. I pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings.

I am the Chair, Dylan Wight, Member for Tarneit. The other members of the committee who are here today are my Deputy Chair, Chris Crewther, the Member for Mornington; Jacinta Ermacora, Member for Western Victoria, who is online there; Nathan Lambert, the Member for Preston, I believe will be coming online very shortly but is still taking his break; Sarah Mansfield, who you will know well, Member for Western Victoria; and also Lee Tarlamis, Member for South-Eastern Metropolitan area. I welcome both of you, Martin and Jess, and thank you so much for appearing today.

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 the same 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 today is being recorded by Hansard. It 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.

I will just invite you, either both or collectively, to give a brief 5-minute statement to the committee, which will be followed by some questions, until about 5 past 11, I think, or a little bit later.

Martin SHIELD: Great. Thanks very much for having us. I am Martin Shield, State Director of the Victorian Greens, and I am joined by Jess Wheelock, who is our Head of Campaigns. We would also like to acknowledge the Wurundjeri people of the Kulin nation as the traditional owners of these lands and pay our respects. I will hand over to Jess first.

Jessica WHEELLOCK: I want to begin by thanking the Electoral Matters Committee for the great work that you are doing and for the inquiry into the 2022 state election and in particular to highlight recommendation 17, which we are very supportive of, which is reforming the upper house by eliminating group voting tickets and allowing voters to indicate multiple preferences above the line. I think it is fantastic to see such broad support for this reform. It is certainly well overdue. It is a clearly corruptible system, and it is completely undemocratic, to be honest. I know politics is a tough game. I feel extremely well positioned to say that after the most recent federal election, but this is what it is all about; it is a democracy of ideas. We should be able to put those policies on the table, voters should be able to indicate their preferences for those ideas, and the voters should be able to have their say, at the end of the day. Any system where preferences can be bought and sold behind closed doors is not in line with our democratic aspirations.

I also just want to note our support for recommendation 18 – to reform the upper house in terms of structure and to look at different structures and what the impacts might be – but I also just note that the inquiry really highlighted that these changes would require a referendum, which would require a lot of support from the public and a lot of engagement with the public. But this process of eliminating group voting tickets should not be delayed by any changes to the upper house, because it is so important and it is so significant.

So that is really what we are asking – that these changes are implemented without delay and that they are done as soon as possible so that the Victorian Electoral Commission can do their preparation in the lead-up to the state election and we can have a fair democratic election in the upper house. I will pass back to Martin.

Martin SHIELD: Thanks, Jess. Yes, we are really thrilled to see the level of support for proportional representation that is represented by this inquiry and that has been put by various people to the inquiry. Obviously, we are really supportive of the idea that the range of views in the community should be reflected in the people who are elected to represent them. In that context, I cannot help but give a little plug for bringing proportional representation back to local government. That is low-hanging fruit – we do not need a referendum – and we would love to see Parliament legislate and apply this value, which is being so strongly supported here, to local government, making sure that the diversity of views in the community is represented by using proportional representation. The great thing about the upper house is that we do have some form of representation. If it is not corrupted by GVTs, then there is a reasonable level of proportionality that is achieved.

In terms of the broad things that have been put forward, I guess I would start by saying that we think eight-year terms are too long. There is already, I suppose, some distance between upper house MPs and the electorate, and we think with an eight-year term there is a risk to accountability. You can imagine someone being elected as a representative of party A, leaving the next day and drawing a parliamentary salary for eight years and there being no accountability to the electorate for that.

We also think the same electoral structure should apply wherever you live, so we are not fans of the models that would see a different number of representatives for a different region. We also think that some regional structure should remain. In New South Wales, for example, there is not a regional structure, and the analysis I have seen of that is that you just end up without MPs in the western suburbs and also in less socio-economically advantaged areas of the regions as well. So we think some kind of geographic constraint on representation is worthwhile.

But the key thing we want to talk about is the size of the quota. There is a balancing act here. The current quota of 16 per cent is quite high. We think that you could go as far as halving that and get a more proportionate outcome, but as has been pointed out in submissions from people like Stephen Luntz and Trades Hall, when you get too small a quota you actually come back to some of the issues that GVTs present, with a cute name winning a seat and people being able to get 2 to 3 per cent of the vote without actually having any kind of genuine level of community support.

We did take a look at past proportional elections in Australia in a range of places to look at what share of quota results in what chance of winning. We took a look across the last New South Wales upper house election, Tasmania's lower house, WA's upper house and the Senate in 2022. Results are not entirely clear yet for this current election. In those elections with no GVTs nobody got elected with less than 0.2 of a quota. Once you got to 0.2 of a quota, you got a very, very fine chance; there was one person elected there, so it was about a 5 per cent chance across those. Nine per cent of people with 30 to 40 per cent got elected. Once you got to 40 to 50 per cent there was a 37 per cent chance. There was nearly a 60 per cent chance if you got 50 to 60 per cent of a quota, a 70 per cent chance for 60 to 70 per cent of a quota and at over 70 per cent of a quota everyone got elected. The key thing that we are trying to point out here is that with about half a quota you have got a reasonable chance of election. If we think that a vote of 3 to 4 per cent represents genuine community support, then you really need a quota of around the 8 per cent level to see those people with genuine community support being elected. For example, the model of four regions with 10 members in each would achieve that goal.

The CHAIR: Thank you. We might throw over to some questions now. We do not have a great deal of time. Sarah might want to kick us off.

Sarah MANSFIELD: Sure. Thank you. I hear what you are saying about abolishing GVTs and not waiting to do that to press ahead with potential upper house reform, but one concern that is sometimes raised is that if we kept the current structure but abolished GVTs the Greens would massively increase our seats. I am just wondering what you have got to say about that.

Jessica WHEELOCK: Unfortunately our psephology indicates that we would probably not increase our representation at all. Across the eight upper house regions, in about four of them we got over half a quota. As

Martin indicated, that means we are most likely to get someone elected. In about four of them we got under half a quota, so very unlikely to elect someone. We would expect to have about the same amount of representation as we had before. But that being said, at the end of the day, whether it is for the Liberal Party, Labor Party, Greens or anyone else, what we really want to see is Parliament representing the will of the voters, so if we can put that principle first then I think abolishing group voting tickets is a natural outcome of that principle.

Sarah MANSFIELD: And just on the potential, if we were to make the quota too low, to end up with similar outcomes to what we currently have with the GVT system, can you expand a bit? One of the things that have been put forward is that having a small quota would increase diversity of representation in the Parliament. What is your response to that?

Martin SHIELD: I think the idea in a democracy is that you are getting a representation of the views of voters. You could get diversity in the Parliament by something like sortition; you could just randomly select some people. But the goal of an electoral system is that those people are representative of views in the community, that you have a debate and people put forward a contest of ideas. Winning that contest of ideas is what is incentivising the system, and that is how you get enough votes and get your quota and get elected. The problem with a system where the quota is too low is that instead of engaging in that contest you start incentivising coming up with a cute name. I reckon that the Taylor Swift party, for example, would have no trouble being elected if the quota was – well, they might get elected anyway. But if the quota was quite low you would see a party like that easily elected. It is also a lottery. Rather than buy yourself a ticket to the lotto, get yourself a party registered, and if you get the first place on the ballot paper then the donkey vote alone is enough to get you represented, even if you do not have a cute name for your party. I guess there is a balancing act there, and this threshold is acknowledged in a range of electoral systems. In New Zealand and Germany you need 5 per cent of the vote to start getting representation under their proportional systems. In Australia if you get less than 4 per cent of the vote, then you do not get your candidate deposit back and you do not get any electoral funding. So even in our own democracy we have acknowledged that there is some kind of threshold that you need to achieve in order to demonstrate that you have got real community support.

Sarah MANSFIELD: Thank you.

The CHAIR: Thanks, Sarah. Chris.

Chris CREWITHER: Thank you, Chair. Thank you for your evidence today and for your previous submissions as well that relate to this. In your submission for the inquiry into the conduct of the 2022 state election you cautioned against lowering the quota to such an extent that community support and therefore accountability become meaningless. Do you think that that would be problematic with a 40-member statewide electorate or a 40-member statewide electorate with 20 members elected every four years?

Martin SHIELD: My view is that it would with both, so with 20 people elected every four years you would have a quota of 5 per cent, and so in order to win a seat you would need about 2.5 per cent of the vote. Once you get to 2.5 per cent of the vote you are flipping a coin as to whether you get elected or not, so 2.5 per cent is too low. We have seen the donkey can be higher than 2.5 per cent. Having a cute name can definitely be worth more than 2.5 per cent, no matter what your values are or whether you have made out a case to the electorate about your policies. Also, in the second model we are really concerned about that eight-year term and the lack of accountability there. Once you get your 2.5 per cent of the vote and get yourself into Parliament – say you have used Taylor Swift as your name and it turns out you are anti-abortion, and the electorate gets to see that when you show up in Parliament, but there are eight years before they get another chance to decide whether you can stay.

Chris CREWITHER: Just adding to that, if I have time, Chair.

The CHAIR: Of course you do.

Chris CREWITHER: You mentioned in that submission as well that there are various approaches that could be taken, and you identified one structure as potentially being a truly metropolitan electorate while maintaining multiple regions for non-Melbourne Victoria. Can you explain what you mean by a truly Melbourne electorate while maintaining multiple regions for non-Melbourne Victoria? And would such a Melbourne metro electorate have the same number of representatives as each of those regional electorates or would it have more upper house representatives in that metro region as against those regional electorates?

Martin SHIELD: I do not have that submission in front of me. I actually think that since we wrote that, having looked at the outcomes in New South Wales and the lack of representation there from the western suburbs – so the way that actually all the MPs end up living in the leafy inner suburbs and not actually having lived experience of what life can be like in different parts of the state – I probably would not at this point support that kind of a model. I actually think even within the metro area there should be some division, which I think is achieved with, for example, the four-region model that was put forward in the examples by the inquiry but is not achieved by one which has the whole metro area in together or by one that has a completely unsubdivided result. But, again, as we said earlier, I think it is important that all areas of the state have the same electoral structure so that there is reduced confusion. Also, it would be bizarre if we had a system that incentivised moving from one part of the state to another in order to have a lower quota to be elected.

The CHAIR: I believe Nathan Lambert, online, has a question.

Nathan LAMBERT: Thank you, Chair, and thank you, Martin and Jess, for coming back to this committee. I just want to pick up on some questions that you might have overheard if you were listening to the previous witnesses. There was just an interesting question that group voting tickets – and someone will correct me if I am wrong here – were first introduced in Victoria in 2006 when we changed the upper house system and had existed in the Senate since the 1980s. We have heard today, and again from you, very strong language that group voting tickets are corrupt, they are undemocratic, we were talking earlier about them being ‘abhorrent’, and yet looking back – just correct me if I am wrong; I am very happy to be corrected – I do not think in previous submissions or testimony from the Greens prior to 2018 there was any criticism of group voting tickets to this committee, no criticism in the Victorian Parliament. Do you have any idea why it was, if they are inherently undemocratic and corrupt, there was no criticism of them from the Greens between 2006 and 2018?

Jessica WHEELLOCK: I think the term I used was ‘corruptible’ –

Nathan LAMBERT: Sorry, yes, you did.

Jessica WHEELLOCK: and there may have been a case where the system was not corrupted previously. I am not an expert in the history of how group voting tickets were applied in the past. I perhaps defer to the previous speakers about that. But I guess you would expect that a group voting ticket would incentivise groups to apply preferences based on their values or based on different parties having similar policies, but of course we have also seen them used to game the system and to get people elected that do not have broad support in the community, and now that we have seen them gamed in that way there has been pushback from the community, obviously from this inquiry and from a number of other experts, and I think with that new information it is really important for us to look into reforming the system.

Martin SHIELD: And can I add to that that regardless of what we might have put into submissions in Victoria, the Greens have been opposed to group voting tickets forever. You will see, if you go and look at our contributions in the ACT or in Tasmania or elsewhere, the Greens have always opposed group voting tickets. We have always seen them as undemocratic. And I think that there have been psephologists saying group voting tickets are on the nose since long before 2019. I cannot remember exactly when they were abolished federally, but group voting tickets have been on the decline for much longer than that, and it has been obvious for much longer than that how undemocratic they are.

Nathan LAMBERT: Thank you. No, I agree. There certainly was [Zoom dropout] from psephologists right from the start. If I can, Chair, just one final question: Martin, you alluded to local councils going back to a proportional system in your remarks. Would the Greens do the same for the Legislative Assembly?

Martin SHIELD: Yes. I mean, absolutely. It would be great to see. And again, that would be more difficult. Just like upper house reform, there would need to be a referendum, but we would absolutely support, for example, a list system to top up the Legislative Assembly so that the results are proportional. At the last election I think Labor got 36 per cent of the vote or something and 60-something per cent of the seats, so absolutely a more proportionate result in the Legislative Assembly would be fantastic – not holding our breath on that one, though. But I think local government –

The CHAIR: I think that is slightly outside of the terms of reference for this.

Martin SHIELD: Local government has had proportional representation in the past. It has been wound back, and given that this committee has heard so much evidence as to the benefits of proportional representation, I think there is a real opportunity there because no referendum is required.

Nathan LAMBERT: I am sorry, Chair. With the previous witness we did discuss some trade-offs [Zoom dropout], but I am happy to leave it there.

The CHAIR: Thank you. Look, just being mindful of time, if there are no other burning questions I will thank Martin and Jess for their time. Thank you so much for your submission. Thanks for coming in and giving evidence. If there is anything else that you would like to contribute, please just send it through to the committee via email.

Martin SHIELD: Thanks very much for having us.

Witnesses withdrew.