

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

Ben Schultz, State Manager, and

Austin Cram, State Secretary, Animal Justice Party;

Alex van der End (*via videoconference*), Family First Victoria;

Craig Ellis, National Secretary (*via videoconference*), Legalise Cannabis Australia; and

William Bourke, National Administrator (*via videoconference*), Sustainable Australia Party.

The CHAIR: I declare the public hearings for the Electoral Matters Committee's Inquiry into Victoria's Upper House Electoral System open. 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 that each of us is gathered on today, and 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 that we have here today are the Deputy Chair, Christopher Crewther, from Mornington; Sarah Mansfield, Member for Western Victoria; Jacinta Ermacora, a Member for Western Victoria as well; Nathan Lambert, Member for Preston; and also Lee Tarlamis next to me, who is a Member for South-Eastern Metropolitan Region.

I welcome everyone. I believe we have got Ben Schultz and Austin Cram. We have also got Alex van der End online. I see Craig Ellis online and also William Bourke, who is online as well.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say in 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 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.

What we might do in terms of structure, for anybody that did not hear, is that each party that is present here today can have 5 minutes at the beginning of this part of the hearing to outline their submission, and then we can go to some questions after that if everybody is comfortable. We will wind the session up at roughly 10 past 12, unless we finish earlier. We might start with the guys from the Animal Justice Party who are in the room, Austin and Ben. Fire away.

Ben SCHULTZ: Thank you, Chair and committee members. I am Ben Schultz, State Manager of the Animal Justice Party in Victoria. With me is Austin Cram, our State Secretary. He is also the registered officer and I am the deputy registered officer.

We are grateful for the opportunity to contribute to this important conversation on how we elect members of the Legislative Council. Victoria's upper house should be a chamber that reflects the diversity of views across our state, and under the current system that simply is not happening. The structure of eight large regions with arbitrary boundaries distorts outcomes, entrenches major party dominance and excludes a wide range of community voices, so we are calling for a shift to a single statewide electorate with at least 40 members elected every four years. This would restore fairness, would improve proportionality and would ensure that every vote carries weight no matter where in Victoria it is cast. This reform would lower the quota for election from 16.7 per cent to just under 2.5 per cent. That is not a loophole, it is a correction. This means that when tens of thousands of Victorians support a candidate or a party those votes are not wasted, they are translated into real representation. This model would also eliminate the confusion and inequity created by regional boundaries. At

present, regions combine vastly different communities, like outer suburbs with remote rural towns, despite them having little in common. As a result, many Victorians currently do not feel their vote leads to the kind of representation that they expect. That undermines trust in the system.

Some people have raised concerns, rightly, about the ballot size and voter confusion under a statewide model, but these challenges are not new and are not unique. We have navigated large ballots for the Senate in elections for decades, and with clear design, improved below-the-line options and a well-funded VEC voter education system, a statewide ballot is entirely workable, and it is a far more democratic system than what we have now. A statewide electorate also reflects better how our voters engage today. Most people today do not vote based solely on geography; they vote based on their values, on local issues, on issues they care for and on trust. That is especially true now for younger voters and people living in those fast-growing areas that have mixed rural, regional and urban characteristics. We need a system that meets people where they are, not one that boxes them in by postcode.

This is one issue that Victoria is not leading the country on; we are the last state that is still using regional boundaries for our upper house. Western Australia has already transitioned to a statewide model. There are learnings we can take from that over the next couple of years. South Australia and New South Wales have long done the same. In Victoria we are now the outlier, and it is time that we caught up. By adopting a statewide model, we can create a Legislative Council that is more representative, that is more accessible and that is more legitimate in the eyes of the voters. We can reduce wasted votes, remove those arbitrary boundaries and give all Victorians a reason to believe in the power of their participation.

So let us build a system that represents the people of this state and that is fully and fairly without structural bias. Let us make every upper house vote count. That is why we are calling for a statewide electorate. Thank you for your time and we look forward to hearing the other statements and questions.

The CHAIR: Thank you. We will go to Alex van der End online.

Alex van der END: Good morning and thank you for the opportunity to speak before you this day. Family First stands as a party of family, faith and freedom – values that are held by many Victorians, including a significant proportion of both rural and outer suburban communities – and we seek to give voice to those who often feel politically homeless in today’s environment.

The upper house electoral structure of this review means that these voices are not just under-represented, they are structurally excluded. The high quotas required under the existing eight-region model mean that a party like ours enjoys meaningful support across the state but has no chance of winning a seat unless it concentrates all efforts onto one region and competes against the major parties and party machines. Family First therefore supports a move to a single statewide electorate for Victoria’s Legislative Council. This structure would lower, as we have already heard, the quota significantly, allowing smaller parties with real community-based support to gain representation, not through deals or manipulation but through the genuine support of voters. We believe in proportional representation, not in theory but in practice. A healthy democracy reflects the full spectrum of public opinion, not just those parties with money or the machinery to dominate the individual regions. A statewide model ensures every vote carries equal weight, whether it comes from Frankston or Mildura or Moe.

Also, I need to raise a serious concern about the limitations in this inquiry, with the exclusion of looking into the group voting ticket system from consideration. Frankly, this is a missed opportunity, because the group voting tickets distort democracy and they have allowed candidates with less than 1 per cent of the vote to be elected, while others with sometimes 5 or 10 per cent of support have missed out. This is not democratic representation. This is preference engineering, and it erodes public trust. A fair electoral structure cannot be separated from the mechanics of how votes are transferred, and we urge the Parliament to revisit this issue should there be any meaningful reform in the upper house.

We support a move to optional preferential voting above the line, similar to how the Senate in the federal system allows voters to choose their preferences, not political parties. We also urge the committee to reject any increase in the size of the Legislative Council. Victoria is already highly represented across three levels of government, and recent moves such as the introduction of the Aboriginal Voice to Parliament, which was supported by a very small number of eligible voters – despite having a 60 per cent vote no in just the last year – has all added an extra burden to taxpayer-funded governance. It has come at a significant cost, yet there is little

evidence to prove that there has been any real outcome or benefit for the Aboriginal people. Instead of more politicians, we need a better system of electing the ones we already have. Electoral reform should not expand government. It should make it fairer, more efficient and more accountable.

Some have raised concerns that a statewide model would allow fringe, extreme views in Parliament, but the reality is if someone receives the number of required votes under a fair system, then they deserve to be there regardless of whether we agree with them. Democracy does not exist to protect consensus, it exists to protect diversity of thought. At Family First we believe in a fair system that allows voters to decide, not backroom deals, not party lists and not artificially high quotas.

So in closing, our recommendations are that we move to a statewide model with 40 members elected every four years, that we also abolish the group voting tickets and implement optional preferential voting above the line and that we do not further increase the number of members of the Legislative Council, focusing on creating a system of fair representation and transparency for all Victorians. Thank you once again for allowing me to contribute to this vital discussion, and I welcome any questions.

The CHAIR: Thanks, Alex. We will do questions after everyone has contributed, but I just thought I would let you know for your benefit that group voting tickets were part of the terms of reference of the review of the 2022 election, and there are already recommendations from that report to not have group voting tickets in Victoria anymore. So there was no need after that to include group voting tickets in the terms of reference of this inquiry.

Alex van der END: Thank you.

The CHAIR: Let us go to Craig Ellis, who is also online.

Craig ELLIS: Thanks very much to the committee for inviting me to give evidence today. I am Craig Ellis from the Legalise Cannabis Party. Our party is registered at the federal level and has state parties in every mainland state. We have MPs in the West Australian, New South Wales and of course Victorian legislative councils. With regard to reforming the electoral system in Victoria, we support a model that delivers true proportional representation and ensures every vote carries equal value. Regional and local representation is already delivered through the structure of the lower house, so we strongly favour treating the entire state as one electorate. As outlined in our submission, we are advocating for Victoria to adopt either option 1, electing all members every four years, or option 2, a half-in, half-out system like that used in New South Wales.

The Western Australian election, which is the first jurisdiction in Australia to use a system along the lines of option 1, was held on 8 March. Despite having a quota of 2.6 per cent, there was no excessive fragmentation. Labor won 16 seats; the Liberals, 10; Nationals, two; Greens, four; One Nation, two; and then one each for the Australian Christians, Animal Justice and Legalise Cannabis. The result is that Western Australia has an upper house now reflecting a wide diversity of views, and that is how it should be. Maintaining arbitrary regional divisions in Victoria, whether it is two, four or the current eight, adversely affects proportionality and limits the ability of the Legislative Council to truly reflect a diverse range of views, so the Legalise Cannabis Party strongly supports a single statewide electorate, with either all members elected at each election or 20 members elected each time. Thank you.

The CHAIR: Thanks, Craig. Finally, we will go to William Bourke, who is also online, from the Sustainable Australia Party.

William BOURKE: Thank you, Chair, and thanks to the committee for the opportunity to speak today. I will just try to quickly summarise the submission that we made, which is along the lines of previous speakers today. The Sustainable Australia Party is an independent community movement. We take a science- and evidence-based approach to policy, and we are federally registered as well as registered in several states. Long story short, we believe that, statewide, 40 MPs all up for election would be appropriate and the most fair and representational system we can have. WA proved to be a good model to go forward, which we supported in our submissions previously.

We think that if a party wins 10 per cent of the vote, it should get roughly 10 per cent of the seats; if it wins roughly 2.5 per cent, it should get roughly 2.5 per cent. We have seen in the past parties winning 10 per cent of the vote, in this upper house system, and getting 20 per cent of the seats, such as the Greens. What we think is

that it was very reasonable that the minor parties got together and tried to have a more diverse upper house through sharing preferences. Far from gaming the system, that was actually levelling the playing field. But that is the sort of distortion that the upper house system encouraged, and we do not want to see that going forward. We do want to see that reform by abolishing the upper house regions and group voting ticket and having one single electorate in the upper house. The lower house provides a lot of good local representation and is very much favoured for the major parties, because you basically need 50 per cent plus 1 of the vote, so the upper house having much more diverse proportional representation will balance that system out.

The other problem with the group voting ticket is that it has led to secrecy and deceit from some parties. It is well on the record which parties have deceived other parties to win seats in the upper house, and we would like to see optional preferential, where voters can choose their preferences, rather than trickery and deceit to win an upper house seat. We also think that the system in the upper house should not really be decided by the Parliament. The main players in the game – there should be an independent umpire to decide this, ultimately. Like in a grand final, you get an independent umpire. It should be not the two teams playing but the umpire making the decision on these types of things. That is I guess a little outside the scope there but just a little bit of feedback about fairness in a democracy. Thanks for the opportunity.

The CHAIR: Thank you, William. We are going to open it up to questions now. We are going to begin with Nathan Lambert, who is online. Then we will just roll through the members as they wish to ask questions.

Nathan LAMBERT: Thank you, Chair. And thank you, Craig, William, Ben and Alex. Today some of you might have caught the previous testimony from Greens party officials. I did appreciate the comments of Martin Shield, who I think was quite specific, probably the most specific of our witnesses so far today, on the key question of what number we think the quota should be. I will just ask all of you: is there anyone here who thinks we should have a quota of 0.1 per cent? I am seeing shaking heads. Is there anyone who thinks 1 per cent?

William BOURKE: Can I just clarify: under what system, sorry? The current system?

Nathan LAMBERT: Either the current system, or you could have the statewide. I mean, the question of the quota is somewhat independent of the question of the system, but it is a fundamental question. Let me just be clear about why I am asking: all of you have spoken in favour of the system being more proportional, and we get this every single time. People come in and say the system should be proportionate. But then when you say, 'Should we have a quota of 0.1 per cent' – which would be very well proportional – everyone says 'No, no, that's crazy.' So it is kind of clear the actual question is not should it be proportional, but how proportional should it be. The job in front of us is to decide on the quota. No witnesses so far have suggested 0.1 per cent. None of you have suggested 0.1 per cent. So what I am interested in is just whether anyone can provide reasoning for a specific cut-off.

Austin CRAM: Can I just jump in there – talking about 0.1 per cent as a result would have a Legislative Council of 1000 members, and I do not think anyone here is advocating for that. I think it is about a workable Legislative Council of a size that is able to both represent the community while at the same time perform the roles of Parliament, and I am not sure a 1000-member Council could serve the community.

Ben SCHULTZ: No-one likes that many politicians.

Craig ELLIS: Can I jump in and just repeat what I said in my introduction, perhaps, and that is we have just had an election in Western Australia that has shown us that a system with a quota of 2.6 per cent over there did not result in excessive fragmentation. As we have said, our position is either option 1 or option 2. With option 2, we have got an MP up here in New South Wales, and yes, the quota is 4.5 per cent. It seems to me that the biggest objection that I have heard this morning and from other parties is the eight-year term. I accept that that is an issue, but if you are looking for a balance, perhaps option 2 is the one to go to.

Nathan LAMBERT: So you think, Craig, 4.5 per cent is the right number?

Craig ELLIS: Well, as I said, somewhere in between the 2.6 per cent and the 4.5 per cent.

Nathan LAMBERT: Thank you. I am happy if anyone else wants to specify a number; that would be helpful to me. But if not [Zoom dropout]

Ben SCHULTZ: I think we are comfortable with that 2.4 per cent, 2.5 per cent. You are still talking about 120,000, 130,000-odd voters that you need to receive that many votes. If there is a community or cause or issue or voting group that is organised enough to get 130,000-odd votes for a candidate, I think that is a pretty fair call to have representation in Parliament.

Nathan LAMBERT: Am I also correct, just picking up on the earlier comment, that you think that is because it leads to the correct size of the legislature? You think 1000 people is unworkable in the legislature.

Ben SCHULTZ: Yes, 1000 is unworkable. Currently we have got 40. We have put in our submission that a modest increase, let us say 45, could be more workable. That is if we are talking about just over 2 per cent of the vote. I think that is quite workable.

Austin CRAM: And I think it is important to note that 2.6 per cent in Western Australia is less people than it would be in Victoria, given our population. So Craig's example of the outcomes of the Western Australia election is with arguably a smaller percent than we would see under our submission.

Ben SCHULTZ: I would also counter the argument that a cute name is enough to get you elected. We have a cute name and we would still struggle to get 2.4 per cent of the vote. But, you know, we are not just trading on the cute name, we are putting work behind it. We have got pragmatic politicians in place now. We think that if we can achieve 2.4 or 2.5 per cent of the vote, we deserve a seat in Parliament, and the voters who vote for us deserve a seat in Parliament.

William BOURKE: Chair, if I can add there that with 40 MPs – 100 divided by 40 is 2.5, obviously. So that is roughly I think the right number there, as a good balance.

Nathan LAMBERT: Chair, I am happy to lead to someone else in a second, but just I suppose to make one point to you, William, the federal Parliament has 150 members. Do you think it is too big?

William BOURKE: In total it does, but in the upper house – that is the house of representatives, you mean?

Nathan LAMBERT: Yes.

William BOURKE: We are talking about the upper house here, which is 70-odd. Do I think that is too many? No, I do not. On a federal basis there could be more, in fact, in the ACT, for example. And the Senate election makes it very difficult for minor parties because obviously only six go up for election, so there is a quota of, what, 14. So that is very difficult. That is not representative either. So that is highly problematic in my view, that only six go up for election. It does not give a diversity of choices and voices in the Senate, but we have an opportunity to do that in Victoria, with 40 all going up for election at the same time. That is a good balance.

Nathan LAMBERT: Thank you.

The CHAIR: I might go to Chris Crewther next to me next.

Chris CREWTER: Thanks. Just going to your point on cute names, which relates to my question, the Greens in their evidence before suggested that in a 40-member electorate that could be problematic, with too low of a quota meaning something like a Taylor Swift party and the like could get a quota. I note that your name may be cute, but there is a purpose behind your name in terms of animal justice, whereas something like Taylor Swift is cute but without necessarily having a purpose. Would you have any comment on what the Greens had said before?

Ben SCHULTZ: A couple of comments I will keep to myself, but –

Chris CREWTER: You are under parliamentary privilege, of course.

Ben SCHULTZ: No, that is fine. I will keep it to myself.

It could cause an issue, but there are other mechanisms that the VEC could put in place that could prohibit a cute name party getting registered as a political party. Currently 500 registered members are required to register

your political party. Federally it has moved to 1500 to be registered as a party. We could increase the number of registered members, and that would probably, hopefully, negate that sort of issue coming to a head.

Chris CREWITHER: Thanks. Now going to the Sustainable Australia Party, in your submission you had called for the removal of the 4 per cent primary vote threshold for public funding so that all candidates attract the same public funding amount per vote. Do you think that would create an issue where, say, more people stand, and it could even be for a simple income source, given one vote means you will get some money your way, and/or it could create an unmanageable ballot paper. Would you have any comments on those questions related to your submission?

William BOURKE: Yes. Thanks for that question. Look, the 4 per cent barrier is, again, put in place by the dominant political players in this country to prevent competition from receiving funding and being on a level playing field. When you get over 4 per cent, you know you can spend a lot of money because you will get it back. It is like the billionaire paying no tax and the pauper paying 100 per cent tax. It is a highly regressive system, so we think that there should be reform to that, whether it is you need to get over 1 per cent or 2 per cent – just something that is a much more reasonable balance than what we have got at the moment. Sure, there may be some people that attempt to run just to make \$20,000 or whatever it is, but I do not think that is as big a problem for democracy as a fundamentally regressive system that keeps out competition and keeps out diversity in the voices in Parliament. So some balance there would need to be struck, to your point.

Alex van der END: Perhaps I could say something?

Chris CREWITHER: Yes.

Alex van der END: We would be in favour of seeing a proposed tiered or scaled model for public funding so that parties receiving 1 to 4 per cent receive partial funding. That would support campaign transparency and voter outreach, and then full funding of 4 per cent would remain as the threshold.

Chris CREWITHER: Thank you. Now, I know this perhaps goes beyond the remit a little bit of this inquiry, but given multiple submitters and people giving evidence have talked about group voting tickets, Legalise Cannabis and Sustainable Australia support getting rid of group voting tickets in your submissions. I just wanted to get clarity on the Family First and AJP positions in terms of getting rid of group voting tickets, given the evidenced manipulation of that system.

Ben SCHULTZ: Unequivocally.

Chris CREWITHER: Yes. And would Family First?

Alex van der END: Yes. As I mentioned in my introductory address, yes, we would support the removal of it.

Chris CREWITHER: Thank you. One final point is –

The CHAIR: Can I just pick up on that? Is that okay?

Chris CREWITHER: Yes.

The CHAIR: So each witness in front of us supports the abolition of group voting tickets?

Craig ELLIS: I just wanted to add something there if I could. One of the major issues here is that the abolition of group voting tickets and retention of the regions throws up a real problem. You are talking about then having a quota of 16.7 per cent. I was just going to say, that is the highest quota of any jurisdiction in the country.

The CHAIR: There have been several witnesses prior that have put a view on what in their view the best structure may look like but that the most important thing in terms of democracy in Victoria is to get rid of group voting tickets, and if that was not able to be achieved through a referendum prior to the next election, it is still incredibly important to get rid of group voting tickets. Would that be your view, Ben and Austin and the other witnesses that are online as well?

Alex van der END: Yes.

Ben SCHULTZ: You do not need a referendum to get rid of group voting tickets.

The CHAIR: No, no, you need a referendum to change the structure –

Ben SCHULTZ: Correct.

The CHAIR: so if we are not able to go to a referendum before the next election, would it still be supported that group voting tickets are gone?

Ben SCHULTZ: It would make it very difficult for the parties here now to get anyone elected, so I do not think anyone here –

The CHAIR: That was not necessarily the question. The question was: you all think that group voting tickets should not be part of Victorian elections anymore. If we were unable to successfully go to a referendum before the next election, would the witnesses in front of us still support the abolition of group voting tickets?

Alex van der END: Yes.

William BOURKE: Chair, I have one caveat, if I may. My answer is: yes, provided that at worst case there is a referendum guaranteed at the upcoming election on that issue. That would be my caveat for that, because the group voting ticket is so problematic. But secondly, I would like to raise the question, which probably will go unanswered: if it does not require a referendum to put this in the constitution, why legally does it require a referendum to take it out of the constitution?

The CHAIR: I do not have that answer here for you, and it is not really what we are doing in this hearing either.

Austin CRAM: I guess you are putting us in a really difficult position, because you are effectively asking us to cut off our nose and cut off our representation in the Parliament, because the reality is that 16 per cent is very difficult for a minor party to achieve.

The CHAIR: I appreciate that, and I appreciate that it is a difficult position to be in, but the overwhelming amount of evidence – there are already recommendations in support of it from a previous inquiry, your submissions and your evidence today – says that Victoria should not go forward with group voting tickets.

Craig ELLIS: Can I just jump in there, because in our submission we have recommended the establishment of a constitutional convention, because these are very important issues to be considered – the abolition of the regions as well as abolition of the group voting tickets. If it has got to go to a referendum, we know by the success and otherwise of referendums, it is really important that the public are fully informed. The abolition of regions is an essential part of this reform. So our position would be that we need to have a referendum before the next election – get rid of the regions, get rid of the group voting tickets and let us go to the 2026 election with a fairer system, and that would be a statewide electorate.

The CHAIR: Sure, and I understand that that is the position of everybody: to have a referendum that is successful and will get rid of regions, but the question was, if that were unable to be achieved prior to 28 November 2026, would the position be that it is still important for group voting tickets not to play a role in that election?

Alex van der END: Yes.

Craig ELLIS: We couldn't support that.

William BOURKE: We could support that.

Ben SCHULTZ: With a referendum guarantee at the election, at the latest.

The CHAIR: Okay. Thank you.

Chris CREWETHER: Can I ask one final question?

The CHAIR: Of course you can.

Chris CREWITHER: I think it was you, Mr van der End, in your opening statement who mentioned your preference for optional preferential voting. If it was you – from my memory, I think it was – can you expand upon why you would support optional preferential voting, what you see that system looking like and how it would be beneficial?

Alex van der END: It would be basically just like how we currently elect the Senate with the preferential voting. People can choose above the line. They can choose to do it below the line. It is up to them to choose, and despite what the other parties may say, this is something that we think is fundamental to democracy – that the voters get to choose, and not the parties dictate outcomes. That is why we also would support the removal of the group voting tickets prior to any electoral reform.

Chris CREWITHER: And would that be fully optional preferential voting or partial? Would you have to number just one, or would you have to number, say, five for each region, or –

Alex van der END: We would suggest it be the same as what the current system is for the Senate. You can do a number of numbers above the line or you can complete a far greater number below the line, with a minimum required.

Chris CREWITHER: Thank you.

Austin CRAM: Can I add, if that is okay – I think on retaining the regions and removing the group voting ticket, if we can return to that for a moment, I feel that something that needs to be said is how it disenfranchises some of the regions that perhaps have a less coherent community of interest. That is because those regions are decided based on population, so you have some of the metro regions like Northern Metro, which are entirely within Melbourne, and then our region, Eastern Victoria, I would say is much less coherent because you have the Mornington Peninsula, Pakenham and Gippsland –

Chris CREWITHER: Technically we believe we are regional, but we are classed as metropolitan.

Austin CRAM: Yes. That was included in our submission, and I feel that your asking for 16 per cent from this quite diverse group with a less coherent community of interest than somewhere like North Metro, South Metro or even South-East Metro could lead to outcomes where that region is less represented in the Legislative Council than other regions.

Chris CREWITHER: Thank you.

Alex van der END: We would like to counter that, saying that, with respect, if somebody that gets less than 1 per cent of the vote is elected, as we have seen in our current system, that also disenfranchises those other people that work hard to get 10 or 15 times that amount and miss out.

The CHAIR: Thank you. If there are no other witnesses that want to speak on that, Sarah, did you have a question?

William BOURKE: Chair, I will just mention that there is a lot of voter confusion about the electoral system just as a general rule across Australia. With three levels of government we use very different – sometimes it is fully optional preferential, sometimes it is part et cetera and in the Senate a random or arbitrary number of six I think is confusing for people. So I would just suggest a simple system of optional preferential above the line, like you have got in New South Wales and Western Australia, which is just a minimum one vote.

The CHAIR: Thank you. We might throw to Sarah for a question.

Sarah MANSFIELD: Thank you. Thanks so much for all of your submissions and for the evidence you have presented here today. I just wanted to follow up on, I think Mr Bourke, it may have been you, but sorry if I have misattributed the initial presentations. You mentioned that there have been situations where the Greens have received 10 per cent of the vote but 20 per cent of the seats. In a Victorian election, which one was that?

William BOURKE: Yes, Ms Mansfield, I did mention that. Just looking at my notes, it says that in the 2014 Victorian election the Greens were winning around 10 per cent of the vote in the upper house regions such as Eastern Metropolitan, yet taking 20 per cent, or one in five, of the seats in those regions. So that is a gross over-representation there, where 10 per cent of the vote which was going to minor parties and more diverse voices was being gobbled up by a big party.

Sarah MANSFIELD: But that is within a particular region. When you look at the overall state outcome, I do not think we got 20 per cent. That would be eight seats; we have never had eight seats as the overall outcome.

William BOURKE: My point was about the Eastern Metropolitan upper house region, where the Greens secured around 10 per cent of the vote and yet secured 20 per cent of the seats.

Sarah MANSFIELD: But I guess that is what currently happens. I mean, we have got people who have got 1 per cent of the vote, give or take – somewhere between 1 and 2 per cent of the vote – getting 20 per cent of the seats. That happens.

William BOURKE: Yes. So they have over-representation, correct.

Sarah MANSFIELD: Yes. That is a regular occurrence under the current system.

William BOURKE: That is right.

Sarah MANSFIELD: And someone could get one quota, a full quota, and they still get 20 per cent of the seats, and their quota is not 20 per cent. I just wanted to clarify that.

William BOURKE: Yes. Over-representation is something that we think is unfair, and that is why we are calling for reform: if you get 10 per cent of the vote, you get 10 per cent of the seats, ballpark.

Sarah MANSFIELD: I just wanted to clarify that point. That is helpful. Do I have time for another question?

The CHAIR: Yes.

Sarah MANSFIELD: Mr Ellis, I just want to follow up on what you indicated before. It was hard to catch you and that discussion around the abolition of GVTs and whether that must be linked to upper house reform and if we could not achieve upper house reform before the next election, whether GVTs should be abolished beforehand. I just want to clarify: did you say that you did not support that?

Craig ELLIS: As I said, Ms Mansfield, in our submission we called for a constitutional convention, because the abolition of regions and the abolition of GVTs are big issues that need to be considered. What we think is that there should be a referendum before the 2026 election, at least putting it to the people of Victoria what model they would like. We hope that they would accept the full statewide electorate model. If we were able to go into the election on the basis of a statewide model – or just the model, even if it is for regions. It would not be my preference, but at least it would have gone to the people, and it would have been voted on at a referendum. At the moment you have got a system down there – I said, ‘down there’, sorry; I am based in New South Wales – with a quota of 16.7 per cent. Every one of these parties that are here today will have no chance of getting elected at the 2026 election if we go into it with eight regions.

Sarah MANSFIELD: I appreciate that. I guess just to go further on that point though, if we were not able to hold a referendum or a constitutional convention before the next election, would you argue that GVTs should still be retained, despite a lot of the evidence we have heard?

Craig ELLIS: The GVTs – and I would agree with William Bourke on this – to a degree level the playing field. Again, when you have got a 16.7 per cent quota, the GVTs give small parties an opportunity to get up. At the last election, in 2022, I would argue, it did not create a perverse outcome. Some parties, or many parties, worked well together. I know that there were some aberrations, and the Greens actually increased their numbers in the LC from the previous Parliament as well. But yes, to answer your question, I maintain our submission, and that is that we need to have a constitutional convention and a referendum prior to the 2026 election.

Sarah MANSFIELD: You said, ‘Give small parties a chance’, but a lot of that chance is created through, I think – I will use the words of the other witnesses – deals or manipulation or trickery or deceit. We know that some parties pay professional preference harvesters to increase their likelihood of being elected. Would you say it is fair or reasonable that that is how smaller parties get their opportunity to be elected?

Craig ELLIS: We have not engaged in any of that type of activity that you are referring to there, Ms Mansfield. I can only just repeat that 16.7 per cent of a quota, and it has assisted us in levelling the playing field.

Sarah MANSFIELD: Thank you.

The CHAIR: Thank you, Sarah. We have still got some time if anybody else wants to ask some questions or if there are any more questions.

Chris CREWITHER: I have got a follow-up, but I will wait until everyone has had an opportunity.

The CHAIR: You are right. Lee? Jacinta, did you have a question? No. All right, off you go, Chris.

Chris CREWITHER: With the first witness today, Liam Morris, and perhaps the second witness as well, I raised the fact that in the Assembly we have, I guess, a greater representation of people from metropolitan Melbourne as against the regions because of the urbanisation and population concentration within metropolitan Melbourne. The upper house at the moment provides some counterbalance to that in terms of regional representation and ensuring regional voices are not forgotten about. Do you think under a statewide system you would get that counterbalance or the counterweight to the Assembly situation at the moment with that proposal?

Ben SCHULTZ: Yes, absolutely. The world is more connected than ever before. Victoria particularly, with transport coming into Melbourne, is very Melbourne centred. You absolutely can get voices from regional Victorians represented in the Legislative Council under this model with greater connectivity, but you can also establish regional consultation groups and advisory panels for those regions too that can advise the Legislative Council under this model.

Chris CREWITHER: But would you not get greater representation from metropolitan interests, meaning that metropolitan interests would be prioritised over regional when it comes to budgeting and so forth? You may well have a concentration of people living and residing in metro areas because of that population being centred in Melbourne where the votes are. Do you think that would be problematic?

Ben SCHULTZ: Potentially, but with measures in place to counteract that it would not be anywhere near as problematic. People in regions also vote on values. Gone probably are the days where geographical location is as marginalising as it was before. With greater interconnectedness and values-based voting I think it is going to be less and less of an issue.

Chris CREWITHER: I could potentially argue against that, because you have got situations like Mildura, which is the largest population centre in the whole of Australia with no passenger rail services. They are paying tax as well, yet they see massive investment in the Suburban Rail Loop and things like that. What is to incentivise a government actually investing in places like Mildura as against more and more in the city? We do not have that counterbalance to what is happening in the Assembly at the moment.

Austin CRAM: What I would say is that we have seen in the most recent federal election I guess a lot more community independence, and we have seen a reflexive or a reactive part of particularly regional areas – I am in the seat of Monash and Gippsland South – where these independent voices are coming up because they feel that is that is not occurring. I think that that is still going to happen in the Legislative Assembly. The Legislative Assembly still has that geographic basis, and I think that is an important role for it. But as Ben raised earlier in our submission, if the quota is low enough that you can get an MP elected with 2 or 2.5 per cent of the vote, that could see the various communities of Gippsland, if they feel that they are under-represented, come together and move for a community independent in the Legislative Council. That is something that has always been possible under our democracy. But 16 per cent is a very high margin. Again using Eastern Victoria as an example, if the people of Gippsland did group together, it would still be quite difficult for that 16 per cent to be

achieved, and it would be the same in Mildura. I think the Legislative Assembly has that role, and as Ben has raised, there are other ways to counterbalance that aspect as well.

Chris CREWETHER: Thanks.

The CHAIR: Brilliant. Were there any more questions?

Alex van der END: Perhaps just a follow-up from what was just said: I believe in the last state election, despite having the high thresholds and despite not participating in any of the group voting tickets, Family First came particularly close to achieving representation in two or three of those regions, so it does not disenfranchise parties per se.

The CHAIR: Thank you.

William BOURKE: Chair, I will just make a quick follow-up point.

The CHAIR: Of course.

William BOURKE: I think it was Winston Churchill who said that democracy is the worst form of government except for all other forms, so there is never going to be a perfect system is the point there. Minor parties and others have put city-based candidates into regional seats for these upper house groups, so we already have challenges there. I think it is entirely appropriate that all parties use consultants to advise them on all forms of the political system, so there is no trickery with that, but it does help level the playing field as well. They are my closing comments.

Chris CREWETHER: Thank you.

The CHAIR: If there are no more questions to be asked, we might wrap it up, unless anyone wants to say anything else. No? We will leave it there, then. Thank you so much to everybody that has appeared both online and in person. Thank you for the submissions. Thank you for the evidence that you have given. And if there is anything else that you would like to send through, please just send it through to the committee via email. Thank you so much.

Witnesses withdrew.