

# **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

Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party.

**The CHAIR:** I declare open the public hearing for the Electoral Matters Committee's Inquiry into Victoria's Upper House Electoral System. All mobile telephones 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, 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 of this issue to the committee or who are watching the broadcast of these proceedings.

I am Dylan Wight, the Chair of the committee and also the Member for Tarneit. The other members of the committee here today are my Deputy Chair Christopher Crewther, who will be back in one moment; Jacinta Ermacora, Member for Western Victoria; Nathan Lambert, the Member for Preston; Sarah Mansfield, Member for Western Victoria; Evan Mulholland, Member for Northern Metropolitan Region; and Lee Tarlamis, Member for South-Eastern Metropolitan Region. I welcome Steve Staikos here today, who is the State Secretary of the Labor Party's Victorian branch.

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 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.

I invite you to proceed with a brief 5-minute opening statement to the committee and then we will follow it with questions until about 5 past 2.

**Steve STAIKOS:** Thank you, and thank you to the members of the committee for inviting me to make a statement today and to give evidence and also for the opportunity to really talk about this inquiry into the reform of the Victorian Legislative Council's electoral system. Of course we recognise that the upper house plays a vital role in Victoria's democracy as a house of review. It ensures government accountability and legislative scrutiny, but obviously for that role to be protected and enhanced its composition must genuinely reflect the will of the people as expressed at the ballot box. Right now I think reforms are needed. We propose that any reforms to the structure of the Victorian upper house should reinforce the Legislative Council's role as the house of review; reflect the principle and voting system of proportional representation, as distinct from the preferential system used in the Legislative Assembly; build public trust in the electoral process, meaning voters should understand both how to vote and how members of the Legislative Council are elected; ensure the democratic will of the people is respected, upholding the principle of one vote, one value; and eliminate malapportionment wherever it exists.

Under the current eight-region model, each region elects five members to the Legislative Council, as you are all aware. This structure results in disparities in the value of votes across the state. In some regions fewer votes are needed to elect a member than in others. This malapportionment has the potential to undermine the core democratic principle of one vote, one value. Contributing to the problem, Victoria's electoral boundaries are only redrawn every eight years. This has created population disparities, with district enrolments ranging from approximately 47,000 voters to in excess of 63,000 voters. These disparities flow directly into unequal population distribution across the upper house regions.

Victorian Labor supports replacing the current regional model with a single statewide electorate, similar to the systems used in New South Wales and South Australia and as has most recently been implemented in Western Australia. Our preferred model is example structure 2, which would see 20 members of the Legislative Council elected every four years for eight-year terms. This would create a 4.8 per cent quota for election for each

member of the Legislative Council, ensuring candidates require genuine statewide public support whilst also maintaining proportionality. This model would ensure that every vote carries equal weight regardless of where it is cast, deliver fairer outcomes for parties and candidates with broad statewide appeal and simplify the voting process and make it more transparent for voters.

Our support for these reforms is firmly grounded in Labor's enduring commitment to democracy. We believe in the ongoing reform of political institutions to ensure they reflect the will of the people and remain responsive to the changing needs of our society. Of course we are proud of the Bracks government's reforms in 2003 that made the upper house more democratic and more representative. However, we feel that now is the time for another round of reforms: the adoption of a single statewide electorate to ensure fair and equitable representation across our state into the upper house. We are very proud that Labor has a history of improving and reforming democratic institutions, and that also extends, as I said before, to the previous reforms to the Victorian upper house.

Victorian Labor supports maintaining at least 40 members of the Legislative Council. Reducing the number of MLCs, as has been floated in some of the examples, is not something that we support, as we feel that it would risk hampering the Legislative Council's ability to perform its role as a house of review and potentially even diminish representation as Victoria's population continues to grow. We believe that the Legislative Council being at this size gives it a better chance to reflect the diversity of our state. A statewide electoral model does also provide an opportunity for smaller parties and independents to have at least a chance of getting elected to Victoria's upper house, which means diverse voices can be heard within our Parliament.

Obviously, meaningful democratic reform must ultimately be shaped by and receive the support of the people of Victoria. Any structural changes to the upper house, as you know, can only be enacted with public endorsement through a referendum. Victorian Labor is committed to ensuring that any proposed reforms are truthfully and clearly communicated to the people of Victoria, widely understood and broadly supported, so that we can move forward with a nonpartisan approach to build public confidence in any changes. Broad consensus across the spectrum will ensure that the process is inclusive, constructive and focused on strengthening democracy and strengthening the institution of the Victorian upper house.

We believe that the current system does need reform to meet, as I said before, contemporary expectations of how upper houses should function. The eight-region model has the potential to distort the democratic will. We are concerned about malapportionment, and we feel that in New South Wales, South Australia and WA those issues have been dealt with and that a single statewide electorate with proportional representation and a clear electoral threshold will ensure public trust and integrity in Victoria's upper house, delivering proportional representative democracy that reflects the values and aspirations of Victorians.

**The CHAIR:** Thank you, Steve. We are going to go into some questions really quickly. We do not have a lot of time, so make them succinct, if members could. I will start with Nathan, who is online.

**Nathan LAMBERT:** Thank you, Chair. Thank you, Steve. Steve, we were having a conversation with some of the earlier witnesses picking up on this notion of geographic accountability and local representation, with the Nationals in particular, speaking to the previous witnesses. I think everyone obviously understands there is some benefit to that. We heard earlier, I think it was from the Greens, with respect to the Legislative Assembly, that we would still have a top-up system, representing the benefits of some form of geographic accountability. Dylan made the point earlier, and also Ben Raue in his testimony before the committee, that parties often naturally organise that geographic representation anyway, and Ben was speaking about how in New South Wales all the parties he listed had had different phases of representing different parts of New South Wales with their upper house members. I was just wondering whether you could speak to your own knowledge, whether it is in New South Wales or Western Australia or in the Senate: does the Labor Party naturally organise itself to provide geographic representation even when that is not an explicit requirement of the system?

**Steve STAIKOS:** Thank you for the question. It is a very good point that political parties themselves do organise around ensuring proper geographic representation within the upper house. I think from a principles perspective however, it is the role of the Legislative Assembly to provide representatives based on local electorates. Therefore, my view is that we do not want to confuse the role of the Legislative Assembly in providing local representatives with the role of the upper house in providing that house of review, and a different electoral system to elect a different group of people to provide for a very different function. The

representatives are elected to the lower house, and the upper house should be reflective of the entire state. Re: political parties; my understanding is our sister parties in other states do ensure that they have preselection processes to ensure that not all of the candidates who are preselected for the upper house come from one city or one region, and that they are able to ensure a geographic spread of candidates for the upper house so that different parts of the state can also have access to upper house MPs from different parties and across the state.

**Nathan LAMBERT:** Thank you. If I can, Chair, ask maybe just one further question, which is picking up, Steve, on your comments on a referendum. Could you possibly just expand a little? It would be unusual for me just to imagine what a referendum on upper house reform in Victoria might look like. How do you think that would look as a campaign? What would be needed in order to engage the public in that particular topic and to get their support?

**Steve STAIKOS:** That is a really good question. We would have to think very carefully about how a state referendum would work given the requirements of the *Constitution Act*. As far as I am aware, we have not gone to a referendum to amend the constitution to date, so this would be a first. I expect that there would have to be additional hearings and additional processes, like the one that we are going through today, to have a look at exactly how a state referendum would work. What we have in this state is an election that happens every four years, an attendance election, which is due next November. We also have a postal election that occurs for local governments every four years. So every two years there is an election, whether it is state or whether it is local, and there would have to be a series of questions answered about how best to bring a referendum to the people of Victoria, whether it is done by post in conjunction with the local government elections or whether it is done at the ballot box in conjunction with a state election.

What is critical, though, I think is to make sure that people know what they are voting on, understand the changes – and how they would be enacted – and then really understand what it means. Because what we are concerned about and have been concerned about – referendums are generally not successful in this country, as we have seen recently, but we also saw in 1999 with the republic referendum. Any proposal needs to be clear, concise and understood so that people are not reluctant to support those reforms.

**The CHAIR:** Thank you. Thanks, Nathan. Thanks, Steve, for the answer. I am going to go to Sarah, and then we will probably have time for one from either Chris or Evan as well.

**Sarah MANSFIELD:** Thank you. And thank you for your submission and your presentation today. You have outlined the challenge that holding a referendum poses, clearly, in terms of the amount of work that has to be done and getting support for that. We have heard from various witnesses today about their views on whether getting rid of GVTs or GVT reform needs to wait for upper house reform to occur via a referendum or whether GVT reform could happen before then; do you have a view on that?

**Steve STAIKOS:** Thank you for the question. I personally think both reforms are important and necessary and they do not have to be coupled together. I think we are the last jurisdiction in this country that still has group voting tickets. I think what the Australian public has demonstrated, and Victorian voters have demonstrated most recently through the election that happened a few weeks ago, is that upper house voting is possible without group voting tickets. People can choose how their preferences are distributed and to which parties they are distributed, whether that is above the line or below the line. As you know, even though voters are instructed to number at least one to six above the line in the Senate and one to 12 below the line in the Senate, people can simply vote with a '1' above the line or a '1' below the line and it still is counted. We need to have a system I think that maximises the opportunity for people's votes to be counted but also gives the control back to the voter.

**Sarah MANSFIELD:** Given we have received a variety of views about what upper house reform should look like, if we cannot achieve that, would you support abolishing GVTs before the next state election?

**Steve STAIKOS:** Look, I am very open to that. I am not against it. I think it is really important that we take the reforms that are available to us as they are available to us. I think that clearly there has been a lot of work done by this committee in the review of the 2022 state election. I have just refreshed myself on some of those recommendations before coming here today, and I think that the committee has formed a position that I think is quite defensible in finding 14 – and finding 15 – that:

Group voting tickets may result in some above-the-line votes for the Upper House being distributed in ways that voters do not expect or want.

I think that is a view that is correct in itself, and I am not just saying this to flatter the committee, but when I reviewed those findings and those recommendations, it is really hard to disagree that it would undermine voter intent, foster distrust, encourage ballot bloat and enable 'preference whispering', which many view as unethical. I think those are questions that need to be responded to through a reform. I will not go through and read you back your own words of finding 15, but I will leave it there.

**Sarah MANSFIELD:** Thank you.

**The CHAIR:** Thanks, Sarah. We will finish with just a question from Evan.

**Evan MULHOLLAND:** Thanks for your testimony. Just to pick up on something you said that you might not be prepared for, but I also kind of agree about the how the redistributions work every two terms. It might be some kind of wordings in the *Electoral Boundaries Commission Act* that means that that only occurs every two terms. We have got several seats, which are – from 2022, only redrawn – already over quota. Would you support some flexibility in that Act to be similar to a federal level, where as they do go well over quota, like some have, it enables the ability to redraw them from term to term?

**Steve STAIKOS:** Look, there is a trigger that is in the Act already. It is just a question of whether that trigger is appropriate. I have not committed it to memory, the exact wording of that trigger, but perhaps it might be a good opportunity for this committee to have a look at how that trigger works, because it does rely on a number of seats reaching a particular threshold before it triggers an out-of-cycle redistribution, which I do not think has happened, at least in recent memory.

Now, I do not think that we should go down the path of a South Australian model, where it is triggered after every state election, but I do think that we need to have a system where state electorates are by and large of a similar size so that we do not have a system where some are 10 per cent under, some are 10 per cent over. Some are 20 per cent over, I think, in certain parts of the state in the growth corridors, and that is not sustainable.

**The CHAIR:** There is a huge amount of non-citizens there too that you are also servicing.

**Steve STAIKOS:** You are servicing non-citizens as well as the 20 per cent over of the voting public. Yes, I accept that.

**Chris CREWITHER:** I am just interested in your view on the eight-year terms. I definitely understand the need to get a bit of a higher quota, like 4.8 per cent, to avoid as I mentioned earlier a Taylor Swift party popping up and getting 2.5 per cent and getting elected. Do you see any problems though in having members who are in Parliament for an eight-year term in terms of I guess their accountability to the public and so forth?

**Steve STAIKOS:** It is a good question, but it is a question that is really about putting the trust in the Victorian people to elect an appropriate representative for those eight-year terms. As it is, most parliamentarians who get elected to the lower house or upper house hope for at least an eight-year stint in the Parliament, if not longer, so I do not think there is a problem in electing somebody for an eight-year term, particularly if the voters know that is what they are voting for on the way in.

**Chris CREWITHER:** What if, though, someone was elected, say for the Labor Party, in the upper house and then a year later they decided to leave and become an independent, then they are there for seven more years, do you see any problems with that?

**Steve STAIKOS:** Well, that is a current risk that we have with senators, as has been evidenced in the last term –

**A member:** All parties – you could address that through reforms.

**Steve STAIKOS:** All parties, indeed. Look, I feel as though the question really goes to what should be the minimum quota for electing somebody to the Victorian upper house. I have come to the view that a 4.8 per cent quota is an appropriate level of support that would then elect a good range of people. I think it was discussed as

I walked in earlier – we want a balance of representation with a minimum level of support so that the chamber can be representative, yes, but also be stable for Victorian democracy.

**Chris CREWETHER:** Yes. One more?

**The CHAIR:** You have got 30 seconds.

**Chris CREWETHER:** It is going to be a long one. It is probably more a question for the IPA and just a bit of a think tank question. There are currently 55 lower house MPs in metropolitan upper house regions and 33 in regional lower house regions, though I do know some regions go into outer metro areas. What would you think about, say, an 11-region model of four upper house members in each area with eight lower house MPs being within each area, where, say, you had triangles coming out of the centre of Melbourne, in Melbourne's CBD, across the state – whether it is, say, five metro MPs and three regional MPs within each region, trying to achieve rough territorial equivalency across those 11 different regions, where you had a mix of metro and regional but where you had, say, two members in the upper house elected by the five metro MP areas and two members elected by the three regional MPs. Therefore you would have equivalency between regional and metro in the upper house to balance the fact that we have about 55 out of 88 being metro in the lower house. It is a bit of a complicated question, but –

**Steve STAIKOS:** It is.

**The CHAIR:** That was going to be quick. A short answer, please, Steve.

**Steve STAIKOS:** Look, I feel like we have gone through a system where we had 22 regions that elected one member each at each subsequent election, and we have gone to an eight-region model, and I think the next natural step is not to have more regions or more complicated voting systems but to have a simpler voting system with a single region where people know who they are going to get, basically. I think that that is a system we should be moving towards.

**Chris CREWETHER:** It perhaps sounded complicated, but I think it may be easier in practice. But I will stop there.

**The CHAIR:** Thank you very much. If there are no further questions, thanks so much, Steve, for the submission, and thanks for appearing to give evidence. If you have anything more to contribute, please just send it through to the EMC's email address. Thank you.

**Witness withdrew.**