

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

Danae Bosler, Assistant Secretary,

Wilhelmina Stracke, Assistant Secretary, and

Oscar Kaspi-Crutchett, Researcher, Victorian Trades Hall Council.

The CHAIR: I declare 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 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 that we have present here this afternoon are Christopher Crewther, next to me, who is the Deputy Chair; Jacinta Ermacora, Member for Western Victoria; Sarah Mansfield, also a Member for Western Victoria; Evan Mulholland, who will be back in a moment, Member for Northern Metropolitan Region; and Lee Tarlamis, Member for South-Eastern Metropolitan Region. Welcome, Wilhelmina, Danae and Oscar. I think we have actually met before in a previous committee hearing.

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 thing, 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 available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

You guys know how this goes because you have been in front of plenty of committees before. A 5-minute statement collectively from you guys would be fantastic, followed by some questions.

Wilhelmina STRACKE: Excellent. Thank you very much. In a genuine collective way, as we do in the trade union movement, we have split the statement up. I will be doing half of it and Danae will be doing half of it, because that is what we do.

Chris CREWTHER: Eight hours each.

Wilhelmina STRACKE: Yes, that is right, so be prepared. I am Wil, I am an Assistant Secretary at the Victorian Trades Hall Council. We firstly want to commend the Victorian government for calling this inquiry and considering options to reform the upper house. VTHC is proud to inherit a legacy of world-leading advocacy and sacrifice for free and fair elections in Victoria.

The first-ever working-class person to sit in Parliament in the British Commonwealth was a Melbourne stonemason and Trades Hall activist named Charles Don. Mr Don at one point would work on Parliament House as a mason by day and occupy a seat in the chamber by night. When Mr Don first occupied his seat in 1859, he was called illiterate, a rabble-rouser and mocked for how he spoke and dressed. And despite his election, for generations the Victorian upper house continued to be dominated by unrepresentative elites, as limits to the right to vote limited representation, and that impacted decisions. For example, in 1902 the Council repealed laws which set minimum standards for working conditions in Victoria. There is no doubt that Victorian workers died or suffered injuries because of the repeal of those protections.

At a mass meeting convened at Trades Hall by our president at the time Mr RH Solly, he declared, 'The people have no power over the Legislative Council. If they did, not one of the members now seeking re-election would

be returned.' Later, when Trades Hall pushed to expand suffrage for, for example, women and those who did not own property, the entrenched legislative councillors resisted. One argued, 'What interest have factory girls in the affairs of the whole colony?'

Democracy is vital for Victorian workers. All Victorians must have an accessible pathway to having their voices heard and a house of review that is structured to realise this aim. Democratic government delivers for workers. Victoria has come a long way since the days of Charles Don, but then, as now, the upper house remains hindered by opaque processes and unrepresentative outcomes.

Danae BOSLER: The time to update the upper house to ensure better proportionality of representation in the second chamber is now, we think. Over the last four elections, this disproportionality of the upper house has been a result greater in Victoria than in other states around Australia. The gap between vote share and seat share was 5.91 per cent in our last election. It was higher at the one previous to that. Not that I like to compare us to the states on either side of us, but in New South Wales and Tasmania it was about 3 and 4 per cent. So while this margin might seem like a small amount, we still think that that means that there is room for improvement that we need to act on. Modernising our upper house electoral system is nothing shocking. We should have a modern system that responds to the needs of the community, and we want to see all workers have an equal say in how the upper house is composed – and that is, really clearly, in our view, no matter who they vote for or where they live. Regional, outer suburbs – there are union members in all of those places, so we want to make sure they have adequate representation.

I want to speak really briefly about group voting tickets. That is not the focus of this inquiry, but it should be acted upon. It has been recommended in a previous committee inquiry, recommendation 12. We are the last state standing on this. I think that is one of the things that has come through pretty clearly today, so the need for reform and transparency is clear on that one. In our submission we took a principles-based approach, and I will just speak to them really, really briefly, because they are fundamental: transparency of the process; accessibility and ease of participation so that workers understand the system; one vote, one value, everywhere, and also count each vote as long as you can; diversity without deception; and responsive councillors. Broadly speaking, as per our submission, we have found support for the single electorate and the four-region model as well. We are fond of that one. It would represent major improvements to the integrity of the Legislative Council when compared to the status quo. We think the number of MPs in the upper house should remain the same and that group voting tickets should be abolished, and we commend the committee for their important work on this. Thank you so much.

The CHAIR: Thank you. Thank you both for coming. Thank you for the submission and for those opening statements. I might go to Sarah first, because I think she is going to ask the same question as me but better.

Sarah MANSFIELD: Thank you. I appreciate your submission and your presentation today. On the issue of group voting tickets, do you think this is something that needs to wait until we have resolved to put to a referendum upper house reform, or do you think we could do it as a two-stage process – get rid of GVTs before the next election and then deal with upper house reform when we feel that we can achieve consensus on that or put something reasonable to the people about that?

Wilhelmina STRACKE: I think our preference would be to do it all together, but we have been opposed to group voting tickets for some time. That is the submission I think that we made at the electoral review following the last election, so our view is we need to act on that sooner rather than later.

Sarah MANSFIELD: Okay. So if we could not achieve the reform, fix GVTs?

Wilhelmina STRACKE: Fix it now, yes.

Sarah MANSFIELD: In your submission the issue you point out is: if the quota is too low, which you have indicated in your view would be the case if we moved to a single, statewide ticket or some other model, there is potentially an issue with parties that have names that misrepresent views of what they are standing for obtaining seats in Parliament. I am wondering, do you have a view on what sort of quota is a reasonable quota to get that balance between having a Parliament that is representative of a diversity of views but also not so fragmented that it is open to being gamed or potentially having some less democratic outcomes? Do you have a sense of where that quota sits?

Wilhelmina STRACKE: We like the four-electorate model, and the four-electorate model has a quota of around 9.1 per cent. We think that is a good reduction from where it is now, which we think is problematic. But going to a 2.4 per cent quota, the issue with that also – a single electorate – is that the ballot paper would be about as long as this table here. And we know that that leads to higher rates of informal voting or at times people voting for – you know, there was the instance in Western Australia where the Liberal Democrats were listed first on the ballot paper and then the Liberals were further down, in one particular area, and the Liberal Democrats scored four times the number of votes in that area than they did in another area where that was not the case. So people can be misled by the names of parties.

In our view the four-electorate model gets it down to about 9.1 per cent; we like that. The single electorate, as we understand it, gets it down to about 2.4 per cent. We think that is too low. If we stagger it, that gets it to 4.8 per cent, which is fine. The only issue then is eight-year terms. It is not often I agree with the IPA, but having heard their evidence earlier today, we would say an eight-year term is a long time, and a lot can happen in eight years.

Sarah MANSFIELD: Great. Thank you very much.

The CHAIR: Thanks, Sarah. I think Chris has got a question.

Chris CREWITHER: Thank you, Chair. You mentioned your support for structure 3, with four regions with 10 representatives, with one region of 10 people covering regional Victoria and three – so 30 members – covering metropolitan Melbourne. With about five-eighths of metropolitan Melbourne members being in the lower house, this proposal would see three-quarters metro Melbourne in the upper house. Do you think there could be too much of a concentration then on Melbourne in terms of Parliaments and governments prioritising investments in Melbourne, which could create more urbanisation, as against, say, investing in regional areas, creating decentralisation? Is there a risk that regional areas would be forgotten about under such a model?

Wilhelmina STRACKE: We do not think so. The modelling suggests that regional Victoria has around 23 per cent of voters; it has 23 per cent of our population. Under this model they would get 25 per cent representation. In New South Wales, for example, even though they have a single-electorate model, 33 per cent of the upper house members come from rural or regional areas. So we would say it does not seem to be the case even if it is a larger area, and it does not seem to be the case that regional voters would miss out or that regional concerns will not be raised.

Chris CREWITHER: Do you think, though, with the vast majority of both the lower house and the upper house both living in and being represented in the metro areas, that governments would not prioritise investments to win over votes in metropolitan Melbourne at the cost of regional areas?

Wilhelmina STRACKE: That has not proven to be the case in any other parts of Australia, so regional voices are still heard. They are still heard particularly, as I say, in New South Wales, which has a single electorate, but still 33 per cent of people in the upper house come from there. The second thing I would say is the upper house is a house of review, so necessarily that is what we aim for with lower house seats – that they represent the views of their local constituents, and ultimately government is formed by who is in the lower house. I think there would still be a significant incentive to represent the desires. No-one will win government with either just rural or just metro seats, so the incentive will remain to represent rural and regional concerns.

Chris CREWITHER: Thank you.

The CHAIR: Evan.

Evan MULHOLLAND: Thanks for your submission. You have touched on the issues with a statewide region. Could you just expand on the weaknesses of a statewide region in comparison to four electoral regions? Would there be a preference between the two?

Wilhelmina STRACKE: We have outlined that our preference in relation to the quota issue is to go with the four-electorate model, but we still think a single electorate is a significant improvement on where we are now, given that the quota required means there is significant disproportionality here in Victoria, so the number of votes that you get does not represent the number of seats or the people that you have sitting at the table.

Evan MULHOLLAND: A really quick question – it is just a personal gripe of mine, so I will ask it. The electoral boundaries Act provides for redistributions every second term, and the thresholds are quite high and mean that it does not really happen every term. It happens every second term, which means that a lot of people, particularly working people, would go under-represented by a member of Parliament who is dealing with way more constituents than they otherwise would. Do you think there needs to be reform around that?

Danae BOSLER: My answer to that would be that we want the best possible representation – one voter, one vote – as much as possible. But – and I know this from just being out on pre-poll for Werribee and stuff like that – constant changing of your boundaries also has an impact on voter turnout, informality, confusion about who your local member is and all those sorts of things, so we would have to balance that out. But in principle we want everyone to be proportionally and adequately represented. Does that address it?

Evan MULHOLLAND: Yes.

The CHAIR: Thank you. I think Jacinta, who is online, has a question as well.

Jacinta ERMACORA: Hi, and thanks for your presentation. I really enjoyed your early bits with the preface of the values and priorities, so that was terrific. That is what I want to ask you about. Sometimes some communities miss out because of the number of people. Particularly country communities might get one of something, just like every other area or region, despite the geography. I just want to ask you: did you have a look at the model you were thinking of and place other lenses over it, like places of disadvantage or places of poverty, and see if the same recommendation emerges?

Danae BOSLER: I will give it a first crack, and then, Oscar, if you want to. We looked at it mainly for disproportionality, so do votes accurately match seats in a proportional way. We looked at that first and foremost. It would be fascinating to overlay things like disadvantage. I was also thinking about it this afternoon when the IPA was talking about communities of interest. Some of the biggest communities of interest in voter patterns right now are age and gender, so it would be fascinating to overlay that additional data. If you wanted us to go away and do that, we would be happy to.

Oscar KASPI-CRUTCHETT: If I might just add, as the trade union movement we are always looking at things from a lens of how this is going to impact disadvantaged people, and if we look at the current system, one of the real imperatives for reform that we can see is that persistently over election to election the informal and invalid votes are highest in disadvantaged areas. At the last election, for example, we took a look at the districts which had the highest rate of vote informality, and we found that every single one of them has a higher than average amount of people living on low incomes. So clarifying the electoral system and making sure that these processes are up to date I think is going to be really important to make sure that disadvantaged Victorians are equally heard and equally able to participate in democracy.

The CHAIR: I think Jacinta's question is answered.

Jacinta ERMACORA: There are two babies here today, and now there is one person out there looking after them. Did you ask me a question?

Wilhelmina STRACKE: No. Oscar was just pointing out that the lens that we brought to it particularly focused where we looked at areas of disadvantage around levels of informal voting. And the critical thing for us is that voting is made as easy as possible, because if you overlay the areas that have higher rates of informal voting, they are inevitably areas of greater disadvantage. So that is the lens that we brought to it. For us, that is why we talk a lot about wanting to make voting straightforward, accessible and as easy as possible.

Jacinta ERMACORA: Yes. So I suppose the question is: is it the technique and method of voting that precludes some people or is it the model of representation? I would be very interested if you were able to take on notice the first part of my question.

Danae BOSLER: I might have read it in a previous inquiry of this committee as well. It talked about how having a voting system that as closely as possible matches – having it compatible with a federal voting system as well assists with that process of reducing informality. And the other thing that dramatically reduces informality is just the sheer volume of boxes that you have to number.

Oscar KASPI-CRUTCHETT: In the 2018 Legislative Council election there was only one region that had a double-decked ballot paper, and that region recorded much higher rates of informal voting than all of the others. So even though we would consider a statewide model to be a really significant improvement from what we currently have, we would just encourage the government to keep an eye on making sure that the number of parties and candidates running does not balloon out and make the ballot paper unworkable, because we think it would harm disadvantaged communities.

Jacinta ERMACORA: Thanks.

The CHAIR: Thank you, Jacinta. Did we have any more questions from anybody?

Chris CREWETHER: Do not worry, I am not going to ask you that.

Evan MULHOLLAND: Just on that, one of the things that drives informality of voting is obviously not filling in every box on the ballot paper – people not knowing how many numbers to go up to. Do you think optional preferential voting would help with that – drive down the informal rate?

Danae BOSLER: One thing we are really keen for, which is one of our principles, is you count every vote and you count every vote as far as possible through to exhaustion. I think it is really important to encourage, particularly because we do it in the lower house, numbering every box. I know we are talking about the upper house reform here, and that is a very different kettle of fish and a very dramatic conversation to talk about if we are going to change preferential voting in the lower house. But I understand, and it is heartbreaking as someone who scrutineers every election, when you look at a ballot paper and the intention –

Evan MULHOLLAND: The intention is there. Yes.

Danae BOSLER: The intention is halfway there, but we have to make decisions that are based on, ‘Is it unmistakable and undeniable that that was their intention?’ And we cannot be 100 per cent sure about those sorts of things. But in the upper house, these things are always worth discussing and considering and debating. But we would want to see every vote exhausted as far as possible.

Evan MULHOLLAND: No worries.

The CHAIR: Thank you. Just being conscious of time, we might wrap it up there unless somebody has something very pressing that they would like to ask. No? Amazing. Thank you for your submission. Thank you for coming in and giving evidence. As I said to everybody else, if there is anything additional, please just send it through to the committee. Thank you.

Committee adjourned.