

ELECTORAL MATTERS COMMITTEE

Inquiry into Victoria's Upper House Electoral System

Melbourne – Wednesday 21 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

Chris Curtis.

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 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 Dylan Wight, the Member for Tarneit. I am joined by Chris Crewther, the Deputy Chair and Member for Mornington; Nathan Lambert, the Member for Preston; Sarah Mansfield, Member for Western Victoria; and also Lee Tarlamis online, Member for South Eastern Metropolitan Region.

I welcome Chris Curtis today. Thank you very much for appearing.

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, you 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 and broadcast live on the Parliament's website. The broadcast includes automated captioning. Members and witnesses should be aware that all microphones are live during hearings and anything said may be picked up and captioned, even if said quietly.

You will be provided with a proof version of the transcript to check as soon as available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

We will just invite you to give a brief sort of 3- or 4-minute summary or statement to the committee at the beginning, followed by some questions.

Chris CURTIS: Thank you very much, Chair, and I appreciate the opportunity to be here. I am not on social media, so nothing will appear there – or 'anti-social media' as I call it.

Any electoral system should be fair and equitable. Elected bodies should be as representative as possible of the way people have voted. No group should be able to get a majority without a majority of the vote. Everyone should be treated equally. Everybody should be treated honestly as far as voters are concerned. The only electoral system that meets that is a single transferable vote, which is what we have for the upper house in Victoria, and with that, the lower the quota, the more representative it will be.

Point 2: the abolition of multi-party group voting tickets is completely illogical, but I am not going to go through the arguments again; they are in my submission. It is like banning package holidays and making people organise their transport, their accommodation, their tours themselves. But the point of it is that it basically disenfranchises 27 per cent of the population who vote for micro-parties, and the only way to mitigate that is to lower the quota, which means increasing the number of MPs per electorate.

Point 3: the Legislative Council should have the state as one electorate. If it had 39 members, the quota would be just over 2.5 per cent. If you had 20 members elected for eight-year terms, the quota would be about 4.8 per cent. Both of those arrangements are much more representative than various regional divisions. There are arguments presented against having the state as one electorate. The first is that country areas will not have any representation. Well, this is not true. A lower quota will ensure any area of the state that wants to elect someone from that area will be able to do so. If they do not want to, they do not have to. To help voters, you could put on the ballot paper the locality of each member. So if you are from Edenhope and you want to vote for someone from Edenhope, you know who that person is, if people want to do that, which I doubt. And the third thing is, the Act should actually specify where the electorate offices are. You could prescribe that one-third of them are in various parts of country Victoria so people would still have a local upper house member to call on.

The second argument against the state as one electorate is that the ballot paper would be too large. Well, you can take steps regarding nomination fees, registration of parties and the number of signatures to nominate, to reduce the number of people on a ballot paper to a manageable number. The third argument is that the electorate may not represent communities of interest, and there seems to be this fallacy that a community of interest is a geographic area – it may not be. It may be an interest in young people, in human rights or in democracy itself. If people want to group together in that way rather than based on where they live, they are perfectly entitled to. Voters for both the Legislative Council and local government should be able to choose their own community of interest, and nothing with the state as one electorate stops them doing that.

Point 4: I would elect 20 members, with eight-year terms for 19 of them and a four-year term for the last. That way you would get 39 members in the upper house, an uneven number. Electing half the chamber at each election smooths out temporary enthusiasm – the landslide followed by despair, which we often see.

Point 5: a single transferable version of proportional representation is what we use, but it is not constitutionally entrenched, and it should be to protect against future changes.

Point 6: multi-party group voting tickets should remain but be restricted to 12 preferences. This is even more important if the committee decides on some sort of regional operation. With the state as one electorate, it is not so significant because the quota is lower. Just as a citizen has a duty to vote for candidates that they do not like at all, they have a duty to mark preferences for candidates they do not like at all. A system of compulsory voting implies a system of compulsory preferences, but it becomes unreasonable to insist upon that when you have 60, 100 or 120 candidates. I am suggesting 12. We ask for 12, but because we have five as compulsory now, we allow five – but without any dishonesty like the federal system, which says one thing and does another later on. We say honestly to people, ‘We ask for 12, but you must do five.’

Last point: the steps I would take to help people vote below the line include a personal how-to-vote app or a website they can do their own how-to-vote card on; an increase in nomination fees for candidates after the first in each group; the registration of parties for two years before they get a spot; a nomination to require one in 10,000 people to support it, which is about 400 at the moment; a tighter limit on party names; and that the preselection of political parties should be conducted by the Victorian Electoral Commission. All of these are designed to help the individual voter choose from a reasonable number of candidates below the line. That is a challenge the committee has. You have got to put partisan interests aside and look at what is best for democracy itself. I know politicians are in fact capable of doing that because I know in Australia when they lose an election they admit they lost and say, ‘That’s it; we’re out.’ Thank you.

The CHAIR: Fantastic. Thank you for that. I might start with Sarah Mansfield.

Sarah MANSFIELD: Thank you. Thank you for your submission and your presentation. I am interested to know: in your view, is there an optimal quota to be elected on, to ensure that it is representative?

Chris CURTIS: Look, it is a difficult question to answer. First of all, we are talking about a house of review, so it is not going to be like Israel with 100-and-something MPs and 20 parties where they cobble together a coalition. It is less important to have, if you like, a stable two-party system in the upper house. I would tend to go to the lowest that you can with the number. I would prefer my system to be 20, with a quota of under 5 per cent – and for the whole state 2.5 per cent. The regional models that have been put up have quotas of 10, or a bit below, and I think that is unreasonable. I think if you can get one in 20 people to back a candidate with preferences, that is quite reasonable.

The political party system operates on people coming together with different interests and making compromises within the Liberal Party, Labor Party, Greens or whatever. In a sense you need not have 100 different voices but some sort of bringing together of things. I am saying 5 per cent is reasonable, but if you said 4 per cent or you said 6 per cent, that would be arguable.

Sarah MANSFIELD: Yes. But is there a risk that a quota could be too low?

Chris CURTIS: Yes, there is. It is not a matter of judging that certain opinions are beyond the pale – that is not up to an electoral system to do. It is just about how fragmented you want the system to be: do you want the parliamentary chamber to work so that you do not have to cobble together dozens of different coalitions for every piece of legislation you put up?

Sarah MANSFIELD: You made the point earlier than about 27 per cent of the population would vote for a minor party, but those minor parties are often quite disparate in the interests that they represent. One of the criticisms of the group voting system is that often someone can vote for one particular micro-party, and who ends up being elected is very, very different and probably not someone that they would have necessarily supported.

Chris CURTIS: Yes, I understand the argument. I have two points against it. The first is: they might have been elected on the 39th preference – you know, they are way down the list, not necessarily the next choice of that micro-party. And secondly, in Victoria you only have to put five numbers below the line. If you choose to vote above the line, you are not intimidated into doing it; it is the voter's choice. With the old Senate system, yes, you were intimidated into voting above the line because you had to do a hundred below the line. In Victoria that is not the case. So if you want to accept, 'That's my party. It's done some deal,' that is your choice as a voter. But again, I would not let group voting tickets go all the way to the end. They would be restricted to 12 preferences, like I would say for the others.

Sarah MANSFIELD: Yes. I guess I would wonder if people understand what actually happens when they do vote above the line.

Chris CURTIS: I think you need more civics education in schools. I was a teacher, and yes, that is a need, to keep that so people do understand.

Sarah MANSFIELD: Because only 10 per cent of people or thereabouts vote below the line, despite lots of education about – you know, there have been a big pushes and it has not really shifted that amount.

Chris CURTIS: I think you can shift it, make it easier.

Sarah MANSFIELD: Okay. Thank you.

The CHAIR: Thank you. We will go to the Deputy Chair Chris Crewther.

Chris CREWTHERR: Thank you. Firstly, thank you very much for your submission and giving evidence today. I appreciated your reference to Edenhope, having once stood for Edenhope as a candidate. So I appreciate that example.

Chris CURTIS: When was that?

Chris CREWTHERR: 2013.

Chris CURTIS: I was there in the 80s, so a long time ago.

Chris CREWTHERR: Most submitters have recommended the abolishment of group voting tickets, and you argue that group voting tickets should remain but be restricted to 12 preferences. Can you explain further your reasoning behind that?

Chris CURTIS: The ideal system would be no group voting tickets and no above-the-line voting at all, and every person would just vote below the line themselves. That would be the ideal. But people make mistakes. When the group voting tickets were for the Senate, the informal vote went from about 10 per cent to just over 3 per cent. It actually helped people. It helped more people have a say in the system. So that is that is the first point on it.

The second point is that if you have the above-the-line preferences in the Senate, which is the system we have, a person votes 1 above the line for two candidates below the line, and that is a formal vote. Voting 1 above the line is formal in the Senate, despite what people are told. If someone else votes 1, 2, 3, 4, 5 below the line, that is informal. It seems quite unjust that one person has two preferences, another has five – the five is informal, the two is not. And so that is why I do not like the above-the-line thing. I think group voting allows more people to participate and have a say in the result. But I would not let it go forever, because someone who casts a group vote should not have more say than someone who casts a vote below the line. And the only reason I say 12 rather than five is I am trying to get some sort of reasonable number that goes to a certain number of preferences.

Chris CREWITHER: What would you think of a system, say, where there was at least one less mark in one box above the line but for optional preferential voting below the line, so at least one vote below the line as well could count – so at least one above the line or at least one below the line. What would you think of such a system there?

Chris CURTIS: I would not think that was very reasonable, because you vote for your one below the line, who misses out, and you have not done your duty as a voter. There is Bob and Ted and Carol and Alice – remember the movie – Bob and Ted stand but you like Carol and Alice, so you do not vote. That is not legal. Bob and Ted and Carol and Alice stand, Carol and Alice drop out, so you refuse to express a preference for Bob and Ted.

Chris CREWITHER: Do you not think that is more democratic, though, because people allow their preferences to exhaust when they want them to exhaust, and then they are more likely to have at least one – it is better to have one vote count than none at all under a system where someone just marks 1 instead of, say, 1 to 5 or 1 to 6?

Chris CURTIS: No. I think it is your duty as a voter to choose unpalatable choices to a reasonable number.

Chris CREWITHER: It was mentioned in between witnesses, and I may have got it wrong, but there were three in WA that were elected below the quota. Do you see any problems with that, and do you also see any problems with too low of a quota in a statewide system, such as, say, parties with popular names, like a Taylor Swift party, being elected because of too low of a quota system who may not have anything behind their name?

Chris CURTIS: I am very, very opposed to the funny names of parties. I am not sure how legally you do it. I would restrict the number of letters in a party name, and I would force every party to have the word ‘party’ in it – sorry, that would apply to the Greens too. You know, they would all be called ‘the party’, and slogans would not be allowed. How you get rid of the Taylor Swift party I do not know – I mean, we have got the Hanson party, Clive Palmer. I do not know how you would legally do that, but if you could, it would be good. Now, as for being elected below a quota, that is a consequence of preferences exhausting, which they will do. If you have got 37 members like in WA, they will exhaust, and you have got to fill the 37 positions. You cannot just stop and say – well, you could, I suppose, have a new rule: if we do not get a quota, we will only have 35 members of Parliament. Then lots of people would stop voting altogether.

Chris CREWITHER: Do you see any alternative solutions there to avoid that problem?

Chris CURTIS: No, not if you have optional voting. The alternative is compulsory preferences, and then you have a really big informal vote.

Chris CREWITHER: Thanks.

The CHAIR: Thank you. Nathan.

Nathan LAMBERT: Chris, I just want to pick up on a point you made and a point a lot of people make when we are having this sort of discussion about at least two of the options that are on the table, which are statewide versus the status quo, which is this notion that currently you have got regions and they represent geographies, but you can go to a statewide one and therefore people represent communities of interest and that those two things are equal or similar. Going back to an exchange I had with Ben Raue, I just want to put something to you and get your response. When we talk about geographic accountability and local representation, as a number of people have and as I did with Ben, we are talking about something different to communities of interest. It is important to understand this distinction. People, like lower house members, are specifically geographically accountable to a significant subset of the whole state. I do not have to represent 7 million people; I represent 50,000 people. It makes a tremendous difference in the way I go about my work. Someone has just emailed me about air quality at Southern Cross station. Now, if I represented the whole state, I may not, to be honest, pick up on that kind of issue. I do not know a lot about air quality. I have not been out at Southern Cross for a while, but they are local to my area, it is my job and I know to respond to that, and with 50,000 people you can do so. So there is – and I think Mr Raue agreed with this – value in an electoral system being accountable to a specific subset of people. That subset has to be clear; you have to know the people you represent.

Now, in theory I could represent people whose last name began with the letter K or something; you can think of other arbitrary ways to divide the state up, but realistically, geographic regions have the benefit of not only being clear, as in you know the exact people you are accountable to throughout your term, but also of course those people are also a community of interest insofar as they share an interest in how their roads and schools and hospitals and everything else work. So I sort of put this proposition to you, and this is what I was discussing with Mr Raue, that one advantage of regions – and of course advantage and disadvantages – is that you go from representing 7 million to representing 800,000 or so, and that does increase, certainly when you get down to 50,000, your geographic accountability, and that is an additional property beyond representing communities of interest. I just put it to you that they are slightly different things. I am happy to have you sort of push back on that if you disagree.

Chris CURTIS: Thanks, Nathan. The people upset by pollution at Southern Cross might be coming in on the train from Preston, so answer that email. The geography makes some sense, but if you look at the regions in Victoria, they have got, off the top of my head, 500,000 voters in each one or something like that. The three country ones probably cover – and again, this is off the top of my head – 70,000 square kilometres each. The geography is already gone. It is just too big an area for that to have much of an impact. Secondly, we have still got the lower house with the geographical members of Preston, Tarneit and other places. We have still got that. Thirdly, you can say to people after the election, ‘This member is in Mildura, this one is in Horsham and this one is in Portland,’ and people in that region have still got a local contact point if they are not satisfied with their lower house MP. Yes, there is a geography and there is a responsibility, but I do not think it works very much now with the upper house given how big those regions are.

Nathan LAMBERT: Just to play devil’s advocate for a moment then, we did in this state have a system of much smaller upper house provinces for a long time. If you think there is some benefit to that, if we recognise that with lower houses the effect is very real, why not go back to provinces?

Chris CURTIS: Because the consequence of that would be single-member elections, and the minority groups and the Greens – over a third of the state, 37 or 38 per cent – would be unrepresented in Parliament. That is a big price to pay for having a second local MP.

Nathan LAMBERT: There would be a trade-off there between proportionality and accountability, and you feel that the trade-off would be too far at one end.

Chris CURTIS: Yes, which you raised four years ago too.

Nathan LAMBERT: As we discussed previously, that is right. Thank you, Chair.

The CHAIR: Fantastic. I am just conscious of time, so if there are no other questions from members, we will leave it there. Thank you so much, Mr Curtis, for coming and giving evidence today. If you have got anything else to send through to the committee, please just email it through.

Witness withdrew.