

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

Travis Jordan.

The CHAIR: I declare open the public hearing for the Electoral Matters Committee's Inquiry into Victoria's Upper House Electoral System. All mobile phones should now be turned to silent.

I would like to begin the 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 Member for Tarneit. With me today are committee members Deputy Chair Christopher Crewther, the Member for Mornington; Nathan Lambert, the Member for Preston; Sarah Mansfield, a Member for Western Victoria; and Lee Tarlamis online, who is a member for South-Eastern Metropolitan Region.

Welcome, Travis. Thank you for appearing this morning.

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.

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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 statement to the committee as an opening, and then that will be followed by some questions.

Travis JORDAN: Thank you. Thanks for inviting me along today. I also want to acknowledge the traditional owners of the land, the Wurundjeri Woi Wurrung people and the people of Bunurong of the Kulin nation, and acknowledge that First Nations people across Australia have had deep democratic practices for tens of thousands of years and that we have a lot to learn as settlers from the democratic practices that they practise in their communities.

I acknowledge that my submission came a little bit from left field in this inquiry. I want to acknowledge, first up, that referenda are rare for a reason and they very rarely pass. In the event that this committee recommends that there be changes to the constitution of Victoria in terms of how Parliament is constituted, which as you all know, would require a referendum due to a decision in 2004, we need to be very careful to make sure that the wording is right not only to pass but to make sure that we do not have to have additional unnecessary and divisive referenda into the future. My submission focuses on changing the wording of the provisions in the constitution, the manner and form provisions specifically, to avoid the situation where referenda will be required for any change to the number of regions or districts going forward.

My recommendation is that we adopt a construction that the Western Australians have had for some decades. This construction is essentially a ratchet which would permit Parliament to respond to changing populations and communities of interest by growing itself, both in terms of the total number of regions and districts but also the magnitude of those regions and districts themselves. The magnitude, for those who do not know, are the number of MPs elected in any given district. So our districts in Victoria have a magnitude of one and our regions have a magnitude of five. A referendum would only be required for reducing any of those numbers – for reducing the number of districts or reducing the number of regions or reducing the magnitude therein. This would give Parliament a lot more flexibility without reducing the democratic nature of elections. Parliament could not unilaterally decide that 'We're getting rid of proportionality entirely' or 'We're halving the number of MPs to get rid of pesky small representation, small districts', but it could decide to increase their number to

respond to the fact that population has grown. In Victoria's case the last time – I am just going to double-check the date – the Victorian Parliament expanded was in 1985, where the average number of voters in a district was about 30,000. The committee is obviously aware that that is nearly double now. It is now over 50,000, and it is on track to be nearly 60,000 by 2032. I highlight 2030 as the operative date here because if we acknowledge that there is going to be a referendum, which would most likely take place during the next state election, the operation of that outcome will only take place in the following election, which means we are essentially making a decision that will only affect an election in six to seven years time, by which time, on most projections, Victoria's population will have grown significantly. I think it is useful for us to think about these decisions, putting ourselves in the shoes of a voter going to vote in 2030, and the value of their vote relative to other voters in each division in the state.

I think that is the broad summary. My proposal to the committee is that we need to be careful about the wording of referenda to make sure that we avoid them in the future and that we should take advantage of a successful referendum that did that to expand Parliament to make up for the fact that we have not done so since 1985, in part because of the constitutional changes made in 2004 that entrenched those provisions behind a referendum.

The CHAIR: Thank you. Let us go to Nathan first.

Nathan LAMBERT: Thank you, Chair. Thank you, Travis. I think this is your first appearance before this committee. Is that right?

Travis JORDAN: Yes.

Nathan LAMBERT: Thank you for joining us. I will go to the final point you were making first. I should say thank you also for what is a relatively unique suggestion with respect to giving, as you say, that power to Parliament to move the number up but not down. It is notable, however, as I am sure you know, that if you look around the world the size of legislatures and the number of people they represent vary wildly. It is sometimes put that the idea is not to have a set number of people that representatives represent but that your constraint is akin to Dunbar's number, if you know that idea from social science, which is this notion that there are only a certain number of people you can get together who actually get to know each other and work together well and can be an effective collective decision-making system.

Any of us who work in larger political parties know that if you get a couple of thousand people together for a conference it is a very different feel to 100 people making a democratic decision and very different to five people making a decision. There are real differences there. It has been found over time that that number, which is somewhere around 100, has certain useful properties that are the reason why it is often used in most legislatures almost everywhere, regardless of population. If we start in any way committed to a principle that you have a certain number of electors per representative, ultimately you theoretically end up with a 1000-person legislature, and it then violates that property that I have just alluded to. I am wondering if that is something that had been in your considerations in putting forward that idea.

Travis JORDAN: Yes, I definitely considered the idea of an unworkable Parliament, and there are scales where that becomes the case. I just push back on the idea that each individual parliamentarian is always making a decision for every issue that is before them. Obviously individually you are making decisions about matters, but Australia has notably incredibly strong whips in a global context. There was some recent research by Pat Leslie at ANU that found that for the major political parties, the four that are represented in most legislatures in Australia, the Rice index number, which measures how disciplined parliamentarians as a cohort are to the party line, can effectively be read as 1. For the purpose of Dunbar's number, if you look at a house as it stands you could almost effectively count a party as a single decision-maker. Then obviously you have cabinet, and you have committees like this where there are more subgroups.

I do not think we are in a situation where I would call the Australian federal Parliament unworkably large because there are 225 people in it, nor would I call other jurisdictions around Australia like New South Wales unworkably large. I would say that there are some that are unworkably small, like the ACT's and arguably Tasmania's. Generally, though, Victoria is a very workable and effective Parliament. My concern predominantly is less about the effect of decision-making but about representation rights – about how people connect with their MPs and that network effect that happens on the ground. I know that is something that you care passionately about, Nathan, when it comes to your division itself. One of the effects we have observed

federally – and I am about to write a paper for the federal equivalent of your committee arguing a very similar thing, although the proposal will be much more algorithmic than subjective – is that the further away individuals are from their MPs, so you could call that numerically, the value of their vote, but I think at a more interpersonal network level it is about how effective a control each can exert on the other. So can you go and have a talk to them? Can they help you with their problem? Do they have the capacity to do so? The further away that is, the less trust there is in our democracy. I think everyone here has seen the many, many papers that the Australian public service and parliaments around the country have written about democratic deficit and trust in democracy and institutions, and a big part of that is the distance between the individual and the institution that is making those decisions, whether that is the MP or the Parliament itself. These things are very complicated. There are a lot of moving pieces.

I mostly just want to put on the committee's agenda that this is something that has not happened in decades. Nearly ten years before I was born was the last time Parliament increased in Victoria, which was around the same time it increased federally. I live in Brisbane, although I lived down here for many years. The last time Brisbane City Council was increased was 1961. The last time the Queensland Parliament was increased was 1985 – I will have to double-check that number, but it was somewhere around there. These are things we have put on the backburner, and I raised this in my submission: these are ultimately political choices, because we are choosing between democratically elected representatives, where people feel like they have had a direct say over a person being elected, or, because as you all know your workloads are expanding rapidly with a more fractured media environment, more social media and the higher expectations of MPs in terms of the constituent servicing that you do but also the amount of work in Parliament, there are more committees, there are more inquiries, there are more bills that are coming up, your workload is increasing, and you either have more colleagues to share that work around with – you have more talent in the room to do that – or you have more unelected political staff. I say that as someone who has been lucky enough to have been an unelected political staffer in my past. There is obviously a need for individuals to have staff, but there comes a limit where you cannot just keep expanding the number of unelected staff that MPs have without it becoming a significant burden on the democratic system as a whole, since essentially they are incumbency benefits.

Nathan LAMBERT: I would pick up on a number of those points, but I am happy to go back to you, Chair, because I am conscious of other people's time.

The CHAIR: Yes, sure. We will go to Deputy Chair Chris Crewther.

Chris CREWTER: Thank you, Mr Jordan, for your submission and your evidence and time here today. I hope you recover from your bike accident on the way here. I appreciate the different perspective you have provided as well in relation to the growth of MPs. On your comments with staff, do you think that the number of MP staff should grow automatically, linked to population legislatively, as against just increasing the number of MPs or be done in conjunction with the growth in MPs? For example, you have 88 members, which has been the case for a long period of time now – I think since the 1980s, from the graph you provided – but obviously with 2½ staff it is hard to service 50,000 or so constituents, or indeed probably about 80,000 in the electorate once you count children, those who are not enrolled and those who may not be citizens and so forth that often still come to the electorate offices as well. What is your view on that?

Travis JORDAN: I would say that Victoria has the lower end of staff entitlements by Australian parliamentary standards, which I think in part reflects comparatively historically smaller divisions, although that is obviously less and less the case as Victoria's population grows. My suggestion – which I have not put in here but I have run nationally a couple of times – is that we have an institution that is equipped to make these decisions, and that is the independent remuneration tribunal. They have to do independent assessments of MPs' workloads on a regular basis. They have the best data and the best access to determine what the workload changes of MPs and their offices are and then make recommendations as to additional support, whether that is budgetary or in terms of your remuneration itself but also in terms of the staffing needs that individuals have. These will obviously vary based on geography – regional members, we know, have a higher staffing need because often they will need to operate multiple offices. Upper house MPs potentially have a lower staffing need because your constituency servicing requirements are likely to be lower, and that is the case predominantly in other jurisdictions. I do not think this is something that should be left up to the discretion of the executive, which is the case federally, nor do I think parliamentarians themselves would be the best judge for that if it was legislated. I am worried that when we put things in legislation we do not revisit them enough,

and the question of workforce and staffing is a very dynamic and fast-moving area that is probably best left to a public oversight agency to make quick, responsive decisions.

Chris CREWITHER: You know with the statewide electorate that preferences only have a significant effect on the outcome for a few seats but lead to much greater complexity in counting. Can you expand on what you mean by 'complexity in counting' with respect to a statewide electorate and what you see as the issues there?

Travis JORDAN: Ben Raue, who I know you have spoken to, and Kevin Bonham, who I believe is appearing next, will have more detail on the complexity question. But the intuitive flow there is that the ballot will be larger, just the nature of it, especially if you adopt a statewide single transferable vote – the Hare-Clark system – where you have above and below the line voting. You are looking at Senate kind of ballots rather than the ballots that we are facing in individual regions at the moment. Potentially there will be a very, very, very high number of indicated preferences. Most voters will vote above the line, as is often the case, and I would push back on some comments that Chris made earlier that above-the-line voting and the abolition of GVTs did not increase informality in the Senate. You can go on the AEC website and see the changes in informality rates in the Senate ballots by state after the change happened in 2016.

But from the perspective of the AEC counters or the scrutineers themselves, having to unpick potentially dozens of parties and dozens and dozens and dozens of candidates for people who choose to vote below the line is very challenging to follow, and it would require a huge amount of resources in terms of manpower and just space. I am sure we have all been to a Senate count federally and have seen the challenges in doing that count. I would be concerned about replicating that even if we had very generous saving provisions and optional preferential in a statewide electorate in Victoria.

Chris CREWITHER: Thanks. One final question: do you think it would be harder to service the community under a statewide model and to get around an MP's region, which would be the whole state, and to ensure that views across the state are reflected in Parliament because of that situation?

Travis JORDAN: It would definitely cause challenges. I suspect even now regional MPs are facing significant challenges in terms of the size of their electorates. Unfortunately it is just a quirk of our electoral system. We have to at some point divide things up into geographic boundaries. At all times that is going to be an arbitrary decision about what the size of those boundaries are and where they lie, which means there are going to be people excluded and included. I mean, I come from Queensland, where we have a state division. We do not have an upper house, but we have a single MP who represents an area the size of Germany. These are very big geographies, and they are very hard even with additional resources.

I would say, though, that you are all well aware that if people want to contact you, they are able to. We are in a digital ecosystem where people have telecommunication methods available to them. The trouble will be people who are not politically engaged. A particular bugbear of mine I am about to write a paper on is the political participation rates among the busy people, you know, young families who do not have the luxury of time to do what I am doing today and write a paper and come in and give evidence but nonetheless have very strong political views because these things materially impact their lives every day.

Engaging those will become harder the larger the geography is, so it will become incumbent on the decision-makers about who gets elected – which in the case of a statewide electorate is effectively parties – to make sure that that workload is spread around. Every party, I know, has a policy internally where federally, for example, you have seats you do not win – there will be seats you do not win – and you will have duty senators whose job it is to represent the seats that are outside of the jurisdiction of MPs that are part of your party when it comes to constituency matters. Part of the job of a statewide MP will be to fill in those gaps, both physically and in terms of the workload, which I know is already the case. It happens here; it is just going to be at a scale that is even bigger. It is being mindful of the workload changes that are going to come.

The CHAIR: Quickly, Sarah, if you have got a question as well.

Sarah MANSFIELD: Thank you. Thanks for your submission and your presentation. I am interested to understand: do you have a view on what an optimal quota is to ensure that the Parliament is truly representative versus being too fragmented?

Travis JORDAN: Yes. There is an interesting paper – I think I cite it in my submission – called the *Electoral Sweet Spot*. It is classic political science where you kind of make up a bunch of measures and then measure against them. There is no real, like, science to it, but what it does is it tries to plot in comparative jurisdictions the number of parties represented in Parliament, the number of parties represented in government, the quota of an electorate and then the magnitudes that get there. What that recommends is that the ideal magnitude is about five to seven MPs per region. I say this in my submission: I think our system is broadly right in terms of the regional representation. My issue is the number of regions and number of people represented within each region, not the magnitude therein.

I do not think there is such a thing as a perfect representation rate. The perfect representation rate is one to one. We know broadly that there are a lot of parties that get a fraction of a per cent of a vote statewide, but there are only about eight nationwide that consistently poll more than about 3 per cent. In some jurisdictions they will call the threshold around 3 to 5 per cent for that reason. I am not a fan of thresholds; I think they are exclusionary. Even in a system that distributes those preferences, I think that does take away some people's power of their vote. But there is a reason why that level is chosen, that 3 to 5 per cent, and it is that that is kind of the point where a party becomes 'real' and starts to win seats and influence decisions outside of places that do not have any sort of thresholds like the Netherlands.

Sarah MANSFIELD: Thank you. One of the challenges facing us is that we have two issues with our upper house. It is considering, firstly, GVTs, which can be abolished through legislation; it does not require a referendum. But there are some views that that should happen at the same time as any change to the upper house or that you have to consider both together. The problem is we need a referendum for any change in the upper house. And we have had various views about what that change should look like, and it is possible we will not reach an agreement before the next election. Certainly undertaking a referendum before the next election would be quite challenging, so do you have a view on whether it could be done as a two-stage process?

Travis JORDAN: Absolutely. I think there is no reason why group voting tickets could not be abolished today. I certainly would be very hesitant to go to the next state election with group voting tickets, given that this committee has made a number of recommendations over a number of years in that space and that we are now an outlier nationally and kind of globally in the use of group voting tickets. I think I mentioned earlier that my preference would be that if the committee decided that a change was to be made, the question be put to the public at the next election, which would mean that any change that did happen would come into effect for the subsequent election. I think that gives the best chance for a positive referendum result. Referenda that happen in conjunction with elections tend, arguably, to do slightly better than standalone referenda do, but it is also the time that people are thinking about these questions. They are thinking about representation rates. They are thinking about what they want out of their state Parliament. If you just throw them a postal vote tomorrow on the question, you are almost certainly going to get a very, very low response rate and then a much lower success rate because people will not have turned their mind that that question meaningfully.

The CHAIR: Thank you very much. Just being conscious of time, we will wind it up there. Thanks so much for appearing today – really appreciate it. If you have got anything more to send to the committee, just send it through via email.

Travis JORDAN: Of course. Thank you very much.

Witness withdrew.