

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

WITNESSES

Sven Bluemmel, Electoral Commissioner,

Keegan Bartlett, Director, Electoral Integrity and Regulation,

Ben Sutherland, Director, Event Strategy and Delivery, and

Melea Tarabay, Director, Communication and Engagement, Victorian Electoral Commission.

The CHAIR: I declare open this public hearing of 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 this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us are 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, Member for Tarneit. I am also Chair of the Electoral Matters Committee. Next to me is Christopher Crewther, Deputy Chair and Member for Mornington. We also have Nathan Lambert, Member for Preston; Sarah Mansfield, Member for Western Victoria; Evan Mullholland, Member for Northern Metropolitan Region; and Lee Tarlamis, who is online, who is a Member for South-Eastern Metropolitan Region.

I welcome everyone here today from the VEC. I will not go through the names individually. I will allow you to introduce yourself as part of your opening statements.

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, these 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 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 might start with a very brief introduction and opening statement, followed by some questions.

Sven BLUEMMEL: Great. Thank you, Chair, Deputy Chair and members of the committee. It is my pleasure to be here today. I am Sven Bluemmel, the Victorian Electoral Commissioner. I would like to introduce my colleagues here from my executive team. On my right is Mr Ben Sutherland, Director of Event Strategy and Delivery; on my left is Ms Melea Tarabay, Director of Communication and Engagement; and on Ms Tarabay's left is Mr Keegan Bartlett, Director of Electoral Integrity and Regulation. I would also like to pass on apologies from Deputy Electoral Commissioner Dana Fleming, who is unfortunately unwell this week and unable to attend.

At the VEC we welcome this review as an important opportunity to consider how our state's electoral system can continue to best serve the democratic interests of all Victorians. The VEC's role as an independent electoral administrator is to ensure elections are conducted with integrity, transparency and fairness, and as such we are committed to supporting the Parliament with accurate evidence-based information drawn from our experience in delivering elections and engaging with voters across the state. Accordingly, you will have seen that the commentary in our submission is deliberately limited to the administrative, operational and technical matters associated with the example structures included in your discussion paper. We are happy to speak to those matters today of course, as well as to the time, effort and resources required for the VEC to effectively implement any changed model, which for many of the example structures would be very significant.

In particular I reiterate the importance of ensuring that there is enough available time in the election timeline to administer any changes to the electoral structure of the Legislative Council. Victoria already has the narrowest electoral timeline in Australia, and many of the example structures which have been discussed throughout the inquiry, without suitable legislative changes accompanying their implementation, would critically exacerbate the existing risk we are seeing in the Victorian electoral timeline.

The VEC will observe with great interest the contributions by other submitters, including those who are better placed than we are to advocate for or against particular models or outcomes. I commend all those who have taken time to make those submissions about that future.

While it is absolutely critical for the VEC to remain independent, we will administer whatever the law requires of us. There are, however, three matters to which I would like to draw your attention. First, the VEC's reports following the last two general elections have passed on the concerns that we have heard from the community about the voting system currently used for the Legislative Council. There is a real risk that reports of preference harvesting are eroding the public's confidence and trust in elections, and I fully appreciate that my office cannot currently provide satisfactory responses when these issues are raised with us. Simply put, as we have in response to many contacts we have received, they require attention by the Parliament, and this is another reason to commend you for undertaking this inquiry.

Second, it is important to place on the record that the VEC produced and provided to you full-scale mock-up ballot papers that show what electors may experience when they go to vote under each of the example structures outlined in your paper. I trust that these are a useful resource as you continue your deliberations.

Finally, while reforming the electoral structure of the Legislative Council requires a referendum to change the *Constitution Act*, other changes recommended by the committee, like abolishing group voting tickets, only require amendments to the *Electoral Act* by the Parliament. While we could implement the removal of group voting tickets in time for the 2026 state election, depending on what replaced it, any broader electoral structure reform involves significant operational changes, and delivering this level of change in time for the 2026 state election would be extremely difficult and risky.

With that by way of introduction, my colleagues and I look forward to assisting you with your important work and responding to any questions that you may have.

The CHAIR: Thank you, Mr Bluemmel. Thank you, everybody, for appearing in front of us today. I am going to ask a really quick question off the bat, and then we will go to the Deputy Chair Chris Crewther. Just quickly, you talk about substantive change through a referendum taking a different amount of time for the VEC to prepare for than they would have to have just for the abolition of group voting tickets. How much notice would the commission reasonably think that it may need to prepare for an election that did not have group voting tickets in it? And that is all that was changed.

Sven BLUEMMEL: If all that were changed was the abolition of group voting tickets, we could do that. If that were done soon, we could do that in time for the 2026 state election. We would be comfortable with that, provided any such legislative change happened fairly soon, if I can put it that way. To give an idea, we actively plan for a state election two years out from election day, and indeed some planning happens even longer than that before the actual election day, so it is an enormous logistical exercise.

The CHAIR: Okay. Chris.

Chris CREWTER: Firstly, thank you very much for your evidence here today as well as your submission and the example structures with the ballot papers. Do you believe that under a statewide model that may well significantly increase the size of the ballot papers and potentially the work of the VEC? With a low quota – say, with 40 members – do you think that could see a proliferation of small or Taylor Swift-style parties that may arise? We are consistent with that example; my daughter will love those examples. Do you think that could see a proliferation without other changes to go with it?

Sven BLUEMMEL: Well, on the two parts there, I might ask two of my colleagues to give some more detail on each of those. On the first issue about the ballot paper, certainly the ballot paper would be much larger. Precisely how much larger would depend on the number of nominations that were made, clearly, but there is no getting around the fact that it would be much larger. That has some very wideranging logistical

issues. Even within that, there are probably at least two issues. One is the non-logistical issue, for the voter: how will the voter be able to meaningfully and intelligently and in an informed manner interact with a larger ballot paper? That is one issue.

The second issue, then, is for us in terms of actually delivering the election. A larger ballot paper increases complexity. Printing distribution of a paper that is four times as big as a current one means that we can only get a quarter of the number of ballot papers on a pallet, and the amount of transport that happens for an election – printing, logistics, distribution, verification, handing out at venues and so on – is enormous. We do that, that is our job, and we have done it for many years. But more ballot paper volume simply means that we have to do that more – more trucks, more pallets and so on. It is all doable, but it requires planning, execution and cost.

The second one, on the number or proliferation of micro-parties and so on, again, we are certainly not going to express a view on whether that is desirable or undesirable. In terms of the likely impact on the numbers, we do have current steps that parties need to take. Of course to be registered they need to have certain member numbers and so on, and that has to be verified.

On the first one, I will just ask Mr Sutherland to expand on the logistical challenge.

Ben SUTHERLAND: Considering it from inception through to the actual count, the concerns we have largely focus around the various voting channels. In the first instance a ballot paper that is approximately 1.9 metres in length renders only a small number of suppliers in the printing marketplace able to respond. A larger ballot paper of course requires more paper, but it also slows down the printing production timeframe, noting of course that we have the tightest timeframe in Australia. The only comparable jurisdiction is New South Wales, which has a larger period between the close of nominations and the commencement of voting.

With that being said, you can appreciate that trying to fold a 1.9-metre ballot paper into an envelope for the purpose of postal voting might become somewhat difficult. In that same context the costs would increase significantly, because of course postage is determined on size. Then when you talk through the other efforts that would experience problems with the ballot paper, you could look at the telephone-assisted voting effort, which of course reads the content of the ballot paper out to the elector, and the interstate or overseas, which is a downloadable ballot which the elector is required to print that currently prints on A4 pieces of paper that then have to be stuck together, folded and sent back to us.

If we talk about the fundamentals of the election itself, as the commissioner mentioned, if it is four times bigger, that is four times more trucks. That is completely redesigning our logistics schedule, which is currently 7500 movements to support the state election. Consider that, plus the additional effort attached to actually receiving the ballot papers and pushing them through the count. We also need to consider the impact on queue times, because of course an elector being provided the opportunity to complete a ballot paper of that size will take more time, and that might very well result in larger queue times in attendance voting. The other matter to concern ourselves with is counting, and that process would need to be understood thoroughly – particularly relevant to if a recount was to occur and the ability to run one when we are talking about an electorate the size of 4.4 million people.

Sven BLUEMMEL: Deputy Chair, on the second part of your question about the proliferation of small or micro-parties, I might ask Mr Bartlett, whose team manages party registration.

Chris CREWETHER: Thank you, Commissioner.

Keegan BARTLETT: Thank you, Deputy Chair. It is common sense that an electoral system which changes the quota may impact the appetite for political parties to register and campaign for election to the upper house, certainly. We have noticed increases in party registration activity that have significant resourcing implications for us, particularly in the lead-up to the last state elections, and we saw that in the 2022 state election. While there are the thresholds, the tests, to register as a political party that the commissioner alluded to – so at least 500 eligible members and a genuine intention to be elected to the Parliament, a constitution – it is also something that we are we are fully alive to, and we experienced in the 2022 state election a number of last-minute applications. Anything that might change that is something that we need to really carefully monitor, if there is a proliferation of applications that come in.

Chris CREWETHER: Thanks. I will let others ask questions.

The CHAIR: Okay. I will go to Sarah Mansfield.

Sarah MANSFIELD: Thank you. Thank you for your submission. We have heard a number of witnesses say the WA election, which has moved to a single statewide electorate, was quite successful. Do you have a sense of how big their ballot paper was?

Sven BLUEMMEL: Yes, we do. We have had a look at that. I might ask Mr Sutherland to comment on that.

Ben SUTHERLAND: They do not have the same amount of participation as we do in Victoria, so of course the size is relative to the interest insofar as that nominations process is concerned. I cannot give quite the specifics now, but I can take that on notice.

Sarah MANSFIELD: Okay. Thank you. From your perspective, of the options that were put forward, overall, what would be the simplest one to implement, and why?

Sven BLUEMMEL: Again I might get ask Mr Sutherland to answer that.

Ben SUTHERLAND: Of course it would be inappropriate for us to express a preference, but noting the structures as they have been put forward, if you were to understand what an elector might currently experience within Victoria, the closest thing would be structure 1 in the context of that as a representation of the federal system, noting that you would in some circumstances consider that would manifest in a reduction in informality, as opposed to the education effort that would be required to implement some of the other structures that are not similar to things that they have experienced in the past.

Sven BLUEMMEL: And there are probably some of the models that are certainly more problematic for us. Anything involving non-contiguous regions would be very, very difficult for us to administer and would also have the potential to confuse voters quite substantially if some members in a particular region or in a particular district have different regions that they are represented by in the upper house. That would be a problem from that perspective, and logistically, for us, running polling places and so on would be extremely difficult. That would probably be the one of the hardest things for us to do.

Sarah MANSFIELD: If there was a change in the structure, in terms of education for the public, what sort of timeframe do you feel is adequate to ensure that a reasonable number of people have a reasonable understanding of what those changes are and what they mean for their voting?

Sven BLUEMMEL: I might ask Ms Tarabay to expand on that. For us, it is simply the more the better of course. But we also have the issue that, with elections, people of course get much more engaged much closer to the event, so the timing is important. If we do it too early and then do not do enough at the very pointy end, that is suboptimal as well. We obviously do that around all electoral events all the time. A big change like this is obviously something we would have to develop a plan on and execute. I will ask Ms Tarabay to expand.

Melea TARABAY: Thank you, Sven. I guess any electoral process change would require almost a mini statewide election campaign. We would be calling upon the tools that we currently use, and a big part of that would be education and engagement, so going out into the community, working with our priority groups and, through our democracy ambassador program, explaining the change. We would probably have the time to do that in advance, and then we would probably ramp up a campaign leading into the change – that would be your digital, social, web and proactive media.

Sven BLUEMMEL: It would also depend on how big a change it is of course and how difficult it is. As Mr Sutherland has said, if the change were to a model that perhaps most if not all voters are already experienced with, as with our federal system, then that would make the change less problematic from a communications perspective as well.

Sarah MANSFIELD: Thank you.

The CHAIR: Fantastic. Thank you. We will go to Nathan and then Evan, or either way.

Evan MULHOLLAND: You go.

Nathan LAMBERT: Thank you for your submission, and thank you for the sample ballot papers, particularly the very large one – I think it was 1.8 metres or 1.9 metres the one that we had for the statewide ballot. Dr Mansfield asked about the Western Australian ballot paper. I have lived in Sydney, but I am not sure if I actually voted there. What did they end up doing for the New South Wales upper house ballot paper? Can you remind us?

Sven BLUEMMEL: Yes, I think from memory – please correct me if I am wrong – New South Wales has got the equivalent of example structure 2 or close to it, which is a single whole-of-state electorate for the upper house but with only half of the members going to election at any given general election, so therefore serving eight-year terms.

Nathan LAMBERT: But fundamentally their ballot paper is parties across the columns with their candidates down the rows.

Ben SUTHERLAND: That is correct, of course accepting the period of time they have between nominations and the commencement of voting.

Nathan LAMBERT: Just a follow-up question on that: your sample ballot papers – the size they are is exactly a product of those two factors, that you need to have a certain number of parties and a number of candidates. If we were trying to solve this problem, one obvious solution is that there would be no listing of the names of candidates and that there would just be the lists of the parties, and then you would have a simpler ballot paper. Of course you would lose the ability for any sort of below-the-line voting. The other solution is to reduce the number of parties, and we have just talked about some of the administrative costs that might come with having very elaborate ways to get on the ballot paper. But I am just wondering: in your observations of other jurisdictions and electoral commissions, are there any other ways to solve the ballot paper problem aside from the two obvious ones?

Sven BLUEMMEL: I do not think we have seen anything where any jurisdiction has gone away from individual candidates at all. I do not think we have seen anything like that at all. From a broader policy perspective obviously that would raise some really substantial issues, which we would not be well placed to advise on. In terms of the logistics it would certainly simplify things, but we are not aware of any jurisdiction having done anything like that.

The CHAIR: Fantastic. We will go to Evan.

Evan MULHOLLAND: Thank you for your submission and for being here today. It was good to see you on the tram on the way up. You said in your submission – and I could sense it – that there is a bit of nervousness about the timelines, particularly for reform this side of the term, where we are in the electoral cycle and what kinds of pressures that would put on you. Can you just delve a bit deeper into that? If we were to somehow do both a change to group voting tickets and a referendum to change the structure, what kind of pressure would that put on you if it was this side of the term? Would that also apply to removing group voting tickets with the current structure?

Sven BLUEMMEL: I might answer the last part first. Certainly the pure abolition of group voting tickets with no other change is something that we feel we could securely and comfortably undertake by SE 2026, state election 2026, provided we had sufficient notice, so clearly the change would not be made two months before the election. We would need much more notice than that. But that change alone, of all the changes that we are talking about here, is the least problematic from an administrative and resourcing perspective from the VEC.

In terms of the time pressures more generally there are probably at least two conceptual timeframes that I would like you to be aware of. One is the timeframe for even delivering a referendum to make the change. Whether that is done concurrently with another event, whether that is done as a standalone referendum or whatever it might be, preparing for a referendum, as we have seen federally, is an extremely in-depth and complex undertaking. We would of course be ready for that, but we would need time. Our systems would need to be ready for that. Our footprint would need to be ready for that – all of those sorts of things.

The second issue is the timeframe for then running a state election or an upper house election under a new system as well, and that is focused on in our submission quite extensively. I would like you to bear in mind both of those two things, because they are separate but highly, highly related. As we have said, because our

timeframe from the close of nominations to commencement of early voting is so tight in Victoria, any change in there is where the real risk lies, because we cannot even start printing ballot papers until we know who is nominated and the ballot draw has taken place. They are the two issues. I might ask Mr Sutherland to expand.

Ben SUTHERLAND: Insofar as a possible referendum is concerned, it could run before state election 2026, it could run concurrently with the event or it could run after that with the idea that it would be incorporated into a future event. If it were to run before 2026, it would put the VEC under significant pressure, particularly relevant to our agreed suppliers, the provisioning of stock, the concurrency with other electoral events and of course, at this point in time, the availability of staff. We are recruiting now for two years away to try and run an event the same size, because as I understand the *Electoral Act* it reflects the referendum running an attendance and postal ballot like any other election. It would require approximately 27,500 people to support that effort. If it were to run concurrently, you would have introduced now a third ballot paper into the mix. Depending upon what the expectations are under the Act, insofar as providing a result you will now have to double down, for lack of a better term, your staffing quotient on the night to provide a result, not to mention the increase in venues, resourcing and logistical complexity and the confusion the voter might experience in being issued three ballots now at the polling place.

Evan MULHOLLAND: Would it be better to do it at the same time as an election, or would it be better for it to be a standalone event?

Sven BLUEMMEL: There is no risk-free solution, clearly. It is a question of least bad, if you will. Certainly running it concurrently with the next state election for us would be an enormous challenge in terms of having systems testing et cetera. As Mr Sutherland has said, we are already recruiting for the next state election and we are getting our venues lined up. We are building and testing our systems right now for November next year, well and truly, so doing anything before or even at state election 2026 on a referendum would be very problematic and risky. Another option is to run it, for example, concurrently with a local government election in 2028 – just the referendum, that is. Now, they are of course entirely different events.

Evan MULHOLLAND: Would it be able to be a postal ballot?

Sven BLUEMMEL: They would still be separate events. The referendum would be an attendance election that we could run concurrently with local government elections in 2028. They would not be the same thing. You would not turn up and get both ballot papers. Local government would continue to be a postal ballot, as it currently is, but we could utilise the channels of sending information by post and so on to also send information on the referendum, and then ask people to turn up and vote. That provides probably the least-bad opportunity. It is not risk-free of course. There is potential for confusion, but we think that would be much less confusing. But to give an idea of the sort of efficiencies there, every time we mail something to every Victorian, that is in the order of \$5 million to send one piece of mail. If we are already doing that, if we can combine those sorts of things, we can make some efficiencies. That is another option, but any referendum on or before state election 2026 for us would be highly problematic and very risky.

Evan MULHOLLAND: Okay. Thank you.

The CHAIR: Fantastic. Does anyone else have any more questions?

Nathan LAMBERT: I will grab one if we have got time.

The CHAIR: Fire away.

Nathan LAMBERT: Thank you. We have not discussed it at great length, but you do address top-up arrangements in your submission, and I thought it raised a point that perhaps I had not considered previously, which is the complexity of how people would be grouped. As people know, essentially in that sort of system you set a certain quota by which people are meant to get parliamentarians, as we see in New Zealand of course, most obviously. You then raised some important questions about how that threshold would be measured. I was wondering if you could speak at all to anything you know about how that is done in other jurisdictions and whether they have tackled or solved that problem in different ways in fact, or how it is done in New Zealand.

Sven BLUEMMEL: Sure. Firstly I will ask Mr Sutherland to talk about other jurisdictions potentially, but the concerns that we have fall into a couple of different categories. One is about potential confusion for voters:

what they are voting for, what happens to their vote, what happens when a top-up member is required and so on. Related to that is the issue of potential trust. If there was a feeling that developed from people to say, 'Well, hang on, this person is now getting a seat, and I don't recall that was the election outcome', and so on, it could lead to not only confusion but potentially erosion in trust. To the extent that the VEC plays a role in that process, as always we are very conscious of the need for us to be completely independent of government, of politics, of parties and of executive government. That has the potential to erode that, depending on what the role of the VEC would be in running that process. Those are, broadly speaking, the issues that we are concerned about.

In terms of other jurisdictions, I will see if you have anything further –

Ben SUTHERLAND: I am afraid I will have to take that one on notice.

Nathan LAMBERT: Given the time, that is probably perfect.

The CHAIR: Yes. Fantastic. Given the time, we will leave it there. Thank you so much for appearing today and giving evidence. We really appreciate it. Thanks for the submission as well.

Witnesses withdrew.