

# **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** (*via videoconference*)

Dr Kevin Bonham.

**The CHAIR:** I declare I open this 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 Member for Tarneit and Chair of the committee. With me today is Deputy Chair Christopher Crewther; Evan Mulholland, who is a Member for Northern Metropolitan Region; Nathan Lambert, Member for Preston; Sarah Mansfield, Member for Western Victoria; and I believe we have still got Lee Tarlamis online, who is a Member for South-Eastern Metropolitan Region.

I would like to welcome Kevin Bonham via video link to give evidence today.

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

Dr Bonham, we will invite you to proceed with a brief 5-minute opening statement to the committee and then we will follow that up with some questions.

**Kevin BONHAM:** Okay, thank you very much. My submission is premised on the assumption that group ticket voting gets abolished. If group ticket voting does not get abolished, there is no point in me trying to predict outcomes under a different structure, because I would have more success in predicting the lottery numbers. I have just assumed that that Victoria will go to something like the Senate system or the New South Wales system. There is a question of whether you have semi-optional preferences, like in the Senate, or optional preferences, like in New South Wales and Western Australia. I prefer semi-optional preferences for consistency with the Senate system and also to encourage people to number more boxes, but this does involve more work in terms of data entry so it will be more resource heavy.

Since my submission we have had the benefit of the Western Australian election, so there are a few things I can say about the Western Australian election with their all-in, all-out system. Firstly, it appears to have delivered a good outcome in terms of fair representation. It has shown that parties will get elected on much less than the quotas, so the Animal Justice Party won a seat off just over 1 per cent. That would also happen in Victoria if you go to an all-in, all-out system. I think the main lesson from Western Australia is that a single electorate system does work provided that you limit the number of micro-parties running. I think that there would be more micro-parties trying to run in Victoria than in Western Australia if you had such a system, and it would be necessary to focus on things to curb the number of micro-parties, such as higher registration limits in terms of number of members, deposits and also requiring parties to register well in advance. I think that if you have those things in play, then a single statewide electorate is as good as the other alternative that I suggested in my submission, which is four by 11. I think both of those are viable systems, and I have criticisms of the other alternatives. I gave criticisms of them in my submission. I would recommend avoiding all of those.

The other thing that I would say about the Western Australian election is that it showcased the need for electoral commissions to be properly resourced and for electoral commissions to be required to publish proper data. There were severe problems in projecting the Western Australian election because the Western Australian Electoral Commission did not publish the below-the-line vote data until the end of the count. That is unacceptable. I think resourcing with the Victorian Electoral Commission has been an issue with web coverage in past elections, and that is something that would have to be looked at as part of the move to a new system.

Okay, I think that is all I had to say by way of an introductory statement.

**The CHAIR:** Fantastic. Thank you. We might just go from the end and keep moving down, so I will go to Nathan Lambert, Member for Preston, for the first question.

**Nathan LAMBERT:** Thank you, Chair, and thank you, Kevin, both for your submission but also your ongoing work and your blog and so forth, which I think makes a valuable contribution to our democracy, so thank you. I will ask you what I think is the most important question, as we have discussed with some other people who have appeared before us. I would put as a proposition that we are ultimately here trying to find a trade-off between various things that make an electoral system good and intuitively we are ruling out a lot of extreme cases and coming down to systems that actually look fairly similar to each other, then there are various important factors like geographic accountability, simplicity, proportionality and so forth, which we are trading off.

You have clearly set out in your submission that you have settled in effect for a proposal that is, if you like, halfway between the status quo and a statewide system, and you have asserted that is better because quota will be in the right place and geographic representation will be in the right place. But you have simply asserted those things and they feel to me arbitrary. I just wondered if you could make the case in any more detail, or if you think it is even possible to make the case in any more detail, why it is that you have landed on the sort of exact numbers for quota and for number of regions that you have?

**Kevin BONHAM:** We know from the simulations that if you have the current system with no group ticket voting, it is going to be very hard for minor parties other than the Greens to win a reasonable number of seats. At the other end of the spectrum if you have a single statewide electorate, you are, as we have seen in Western Australia, going to get parties elected on 1 per cent of the vote, and there is an argument that that is going to be too many small parties. You can reasonably conclude that you should break the state up more just in order to increase the quota and make the Legislative Council a little more manageable. That is the reason that I have seen an advantage in the system that I have given, which is four by 11, out of the options that were available. In my simulations I found that that worked reasonably well, but I was batching the regions together in a way that is different to what would actually occur – that was just an indicative simulation. I think that you would get similar properties in any case – that parties with reasonable support will win seats somewhere and parties with tiny support will not. I am still a little concerned, with a single statewide electorate, about parties on 1 per cent of the vote unless you take steps to limit the number of those that are running. That is just the balance that I thought was a good balance.

**Nathan LAMBERT:** Thank you. I do not want to sound like I am leading the witness here in any way, but there is a very useful table you produced in your submission that shows the results that would have occurred under the statewide system. Would you agree that one thing that is I suppose notable in our electoral system is that the minor party and micro-party vote is growing but there has not been a great deal of stability in the vote shares of those parties, as your table shows in fact a very wide range of different parties with quite different characteristics have come and gone over time, and perhaps could we say that parties that do not attract much more than 1 per cent of the vote do not seem to have a lot of stability and permanence in representing certain parts of our system?

**Kevin BONHAM:** Yes, there are a lot of minor parties, particularly in Victoria, but I think that group ticket voting has also been a part of this in terms of micro-parties jumping in and jumping out. Possibly if you get a stable 40-seat system or whatever, it is more likely that you will get the same parties coming up a lot of the time, as tends to happen in New South Wales; they have 20 seats at a time or 21 seats at a time, I think it is. You will find that the same minor parties keep getting 1 or 2 per cent of the vote under such a system, but you will occasionally get new entrants popping up and getting their 1 or 2 per cent. I do agree that there is an issue

with those in terms of their stability; that is why I personally like to have the quota a little higher, and that is one of the reasons why I thought four by 11 was a good system.

**Nathan LAMBERT:** A very quick final question: you talked about top-up seats, and you criticised them because they might be manipulated, which was an interesting argument – one I had not seen before. Are you aware of any real-world examples of that happening?

**Kevin BONHAM:** We have not had this exact system, but the potential seems to be there. I have seen wherever you have funny add-ons in systems that they seem to produce the potential for manipulation. The New Zealand system has a lot of funny stuff that goes on around their threshold and around their extra electorate member seats and things like that. I just think that whenever you have something artificial tacked onto a system that is designed to work in a certain way, you are running the risks of unintended consequences and gaming of the system.

**Nathan LAMBERT:** Thank you.

**The CHAIR:** Thanks. I have got Evan Mulholland next with a question.

**Evan MULHOLLAND:** Thank you, Dr Bonham. Like Nathan, I would like to thank you for the work that you do. I am a big fan of your blog. I think it is essential reading for any politico. You mentioned in your commentary on a single statewide electorate that, in your view, it would have significant drawbacks. Could you just expand on what you think the drawbacks would be on a single statewide electorate?

**Kevin BONHAM:** I will stress again that this was written without the benefit of the Western Australian election, and the Western Australian election has shown that some of the drawbacks of a single statewide electorate can be managed if you are careful about it in the ways that I suggested in my introduction. But the risk of a single statewide electorate is that you may have several parties competitive for seats of 1 per cent to 1.5 per cent of the vote. As Nathan was suggesting, some of these may be ephemeral. There is a bit of a question about whether you should be getting parties elected off that sort of vote share or not. The advantage, on the other hand, is simplicity. You do not have to put people in specific regions that are quite arbitrary and that tend to overlap urban–rural boundaries as the population changes and so on. There are some management advantages of a single statewide electorate.

There are mainly the issues of parties getting elected on very low vote share, possibly with the assistance of favourable ballot draws. Favourable ballot draws can be not only that you draw the first column, which does not seem to be much of an advantage, but it can also be things like if you happen to draw near suitable preference sources. When people are doing above-the-line preferencing some preferences tend to flow to parties that are near on the ballot paper, so the party can get a very good draw by drawing right next to other parties with a slightly lower vote share and similar ideals. I am a bit concerned about the somewhat random aspects of that – that a party might get elected on 1 per cent when its real support level might be even a bit less than 1 per cent. We have seen a lot of evidence that micro-parties are unstable in Australia and so many cases of micro-party MPs quitting their parties. The more sort of MPs you get from micro-parties, the more risk you have that you get MPs elected who are representing a party that had a very low vote share to begin with, but once they have quit the party they actually have no mandate whatsoever.

**Evan MULHOLLAND:** Some interesting points you raise, particularly about where they are on the ballot paper and whatnot. I think you only have to look at the Libertarian result at the federal election to notice that they had quite a significant drop, which I think tends to go with what they were previously named compared to what they currently are named. I am quite interested in your ‘four times 11 member’ variant. Would you just be able to, for the committee, talk us through that? And do you envisage – I think you do – metro and regional areas sort of overlapping in your thought process?

**Kevin BONHAM:** There is a general theme in proportional representation literature that when the district magnitude – that is, the number of members getting elected per region – is reasonably low, it is better to have an odd number of members elected per region than an even number. It is more sensitive to avoiding deadlocks where you get five from one side and five from another side, and the indicative simulation that I did in my report bears that out. It seems to do a better job of avoiding deadlocks, a better job of giving minor parties more seats and a better job of giving governments that clearly won elections a manageable upper house – not a majority, but a more workable upper house. I stress again that I just batched existing regions together because

that was the only way it was workable for me to do the simulation in the time that I had. You might get slightly different results with boundaries, like the boundaries that have been suggested in the options paper, but I would expect broadly similar things to happen.

In terms of the regional boundaries, obviously at the moment we have three rural–regional areas and five urban areas, and if you are going to turn that into four areas, there is going to be some cutting across urban–rural boundaries. There already is some, but there is probably going to be more of it. It is inescapable that when you are dividing the state there are going to be some arbitrary regional boundaries. What it does do is give you one region that is going to include a lot of the rural areas, and so that appeases the concern about whether rural areas will get under-represented in a single statewide electorate. Although, as I have shown in my submission, I have referenced Ben Raue’s work where he finds that in New South Wales they have a single statewide electorate and there actually is not a problem with rural under-representation. The problem is more with outer-urban under-representation.

**Evan MULHOLLAND:** And just really quickly, what would happen now if we abolished group voting tickets and did not change the structure? Would that severely hamper other minor parties that are not the Greens?

**Kevin BONHAM:** It would still be an improvement on having group ticket voting, because group ticket voting is undemocratic and needs to be removed, but it would severely hamper minor parties other than the Greens. Five seats per region is simply not enough on the kind of vote share that parties are currently getting in Victoria, where you have the Greens getting a large share of the minor party vote and then you have this scattering of nobody getting very much. It will be challenging for minor parties to win seats. You tend to find in simulations that they may get one or two seats between them, but it is not very proportional and the Greens tend to get over-represented. I would still stress again – I cannot stress enough – that this is better than keeping group ticket voting.

**Evan MULHOLLAND:** Okay. Thank you.

**The CHAIR:** Have you got a quick one, Sarah?

**Sarah MANSFIELD:** Yes. Thank you. Just following on from that, one of the things we are considering is upper house reform that would likely have to go to a referendum to achieve, so there would have to be some sort of agreement about what the best model is. If that were not to happen by the time of the next election, do you believe that it is okay to have a two-stage process where GVTs are removed first and upper house reform is dealt with at a later stage, or do you think it is best to do both at the same time?

**Kevin BONHAM:** It is a question of what is politically workable. I would like to see group ticket voting gone for the next election, but if the current Parliament was at least able to find a way to ensure that the next election is absolutely the last one that will have group ticket voting, then that is progress because that at least means that group ticket voting is being rid of. An option there is to pass something such that group ticket voting is definitely out after the next election, but you have a referendum about the structure as well. That, for instance, might be a way forward.

**Sarah MANSFIELD:** Thank you.

**The CHAIR:** Thank you. I am just being conscious of time. Dr Bonham, we will leave it there. Thanks for your time.

**Kevin BONHAM:** You are welcome.

**The CHAIR:** We will leave it there. And if there is anything further, you can send it through to the committee.

**Chris CREWOTHER:** Can I just ask one to take on notice?

**The CHAIR:** Sure.

**Chris CREWOTHER:** It is Deputy Chair Chris Crewther. I have just got one to potentially take on notice. I would just be interested in getting further information. You proposed, obviously, the four 11-member regions,

and there are a few different ways of doing that. You could have one region or one half-half and two metro regions, which is the model that you have gone with by combining existing regions, or you could have, say, three half-half regions with one metro, or you could have four regions with about a five-eighth majority of metro seats within each of those, with 22 Legislative Assembly members within each of those four regions. I would just be interested in whether your modelling would be different under either of those latter two models where you had, as I said, three half-half regions with one metro or four regions with a five-eighth majority of metro seats.

**Kevin BONHAM:** Okay, I have got that.

**Chris CREWOTHER:** It is probably one to take on notice. Thank you.

**The CHAIR:** Thank you, Dr Bonham. We will leave it there. Thank you very much for appearing today.

**Witness withdrew.**