



Electoral Matters
Committee

Victoria's Upper House electoral system

Inquiry

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About the Committee

Functions

The Electoral Matters Committee is constituted under section 9A of the *Parliamentary Committees Act 2003*.

The committee's functions are to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

- a. the conduct of parliamentary elections and referendums in Victoria
- b. the conduct of elections of Councillors under the *Local Government Act 2020*
- c. the administration of, or practices associated with, the *Electoral Act 2002* and any other law relating to electoral matters.

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Terms of reference

Inquiry into Victoria's Upper House electoral system

On 27 August 2024, the Legislative Assembly agreed to the following motion:

That this House refers an inquiry into possible reforms to the composition of, and voting systems for, the Legislative Council to the Electoral Matters Committee for consideration and report no later than 8 December 2025.

Chair's foreword

Reforming electoral systems is a matter that touches the very foundations of our democracy. This Inquiry into Victoria's Upper House electoral system has provided an opportunity to examine the complexity of potential reforms and understand the challenges of implementing changes to the electoral system.

As the Inquiry revealed, the question of how we elect our representatives remains a complex and contested issue. There is no single model that satisfies all perspectives, and no single change that can be made without consequences for the balance of representation, accountability and fairness.

The Committee heard from political parties, experts and members of the community. Their views reflected the diversity of Victoria and the many perspectives on this topic. Some advocated for a statewide model, arguing that it would enhance proportionality, lower the quota required to win a seat and ensure that smaller parties and minority voices have a fairer chance at representation. They saw this as a path to a chamber that more accurately mirrors the full spectrum of public opinion.

Others, however, strongly defended the regional model, highlighting the importance of local representation—of having members who understand and champion the needs of regional Victoria, and who ensure that rural voices are not lost despite Melbourne's larger population.

These competing visions highlight a fundamental truth: electoral structures are not merely administrative frameworks; they embody our values as a community. Whether we prioritise proportionality or locality, diversity or stability, every design choice shapes how power is distributed and how our institutions are held to account.

In light of these complexities and the lack of a general consensus, the Committee has concluded that further work is required.

However, there was general agreement on one point: group voting tickets have had their day. They have led to votes being counted in ways that voters could not predict and may not have expected. Combined with the practice of 'preference whispering', they have undermined trust in our electoral system. Victoria is the last Australian jurisdiction to still use group voting tickets and it is time for us to remove them.

This report therefore proposes a two-step process. The first step would focus on eliminating group voting tickets, adopting the weighted inclusive Gregory method for surplus vote transfers and improving the referendum process. These changes can be made easily and immediately by the Parliament to improve our electoral system.

The second step would establish an independent, inclusive process to guide deliberation on broader structural reform. This may involve an expert panel, a citizens' assembly or a constitutional convention. The process would create the space for

meaningful dialogue and reasoned compromise, paving the way for any referendum that would be needed if changes to the electoral structure are recommended.

This approach recognises that lasting reform cannot be imposed. It must be built from a process that invites participation, fosters trust and reflects the diversity of our political landscape.

This report is an important document that reflects the different goals, perspectives and concerns of stakeholders about our electoral system. It will provide a valuable starting point for the new process.

I would like to thank all those who contributed to this Inquiry. I thank the many people who provided written submissions, completed our online form or appeared as witnesses to tell us what they wanted for their electoral system. I am grateful to my Committee colleagues, who worked together constructively on this difficult topic. Finally, I want to acknowledge the staff of the Parliament, including the members of the Committee's Secretariat and many others, who provided essential support throughout this process.

A handwritten signature in black ink, appearing to read 'Dylan Wight', with a stylized, cursive script.

Dylan Wight MP
Chair

Executive summary

This Inquiry examined how members are elected to Victoria's Upper House. It follows earlier recommendations from this Committee about how people should cast their votes and how the votes should be counted. In particular, the Committee recommended eliminating group voting tickets and allowing voters to choose multiple preferences above the line.

Along with these recommendations, the Committee considered that further thought should be given to the electoral structure. This included whether members should be elected from the state as a whole or from a number of regions, as well as how many members should be elected. These matters were considered in this Inquiry.

The Committee invited political parties, experts and members of the community to share their thoughts on the electoral system. Most stakeholders agreed that group voting tickets should be eliminated. The Committee confirms its earlier recommendation to remove them.

However, there was disagreement about whether the electoral structure should be changed. Moreover, those people wanting change had different ideas about how it should be changed. In addition, while some people considered that eliminating group voting tickets should only occur together with a change to the electoral structure, other stakeholders considered that these changes could occur separately.

Next steps

Ultimately, further work is required to resolve the differing views about what the electoral structure should be. Achieving consensus will require an independent, inclusive process that can navigate the diverse perspectives of political parties and the community. A parliamentary inquiry is not the best process for that. The Committee considers that an expert panel, citizens' assembly or constitutional convention would be more able to do this work and may be perceived by the community as more independent than this Inquiry.

However, there are some changes that can be made immediately. The majority of the Committee therefore believes that a two-step process of reform should be undertaken.

Step 1 would take place before the 2026 election. It would involve making various amendments the Electoral Act to:

- eliminate group voting tickets
- introduce the weighted inclusive Gregory method for surplus vote transfers
- review and improve the legislated referendum process.

Step 2 would occur after the 2026 election. As part of this step, a new process would be established to try to build agreement about what the electoral system should be. This process could involve an expert panel, a citizens' assembly or a constitutional convention. If this process recommends changes to the electoral structure, a referendum could be conducted in 2028 or 2030.

Key learnings

Although this Inquiry has not recommended a preferred electoral structure, it has been a valuable process for understanding the different goals that people want their electoral system to achieve. Any work to build a consensus will have to balance these goals. The evidence gathered through this Inquiry and the Committee's findings will serve as a useful starting point for this work.

Statewide versus regional representation

Many stakeholders argued that electing all members from the state as a whole would increase diversity and proportionality in the Upper House. A statewide structure would lower the quota (the percentage of votes needed to win a seat), making it easier for smaller parties and minority groups to gain representation. The number of seats a party wins would more closely match the number of first-preference votes it receives and preferences between parties would play a smaller role in deciding who is elected. Supporters of this model believed that it would better reflect the full spectrum of public opinion and make it harder for any single party to dominate the Upper House.

Others argued that dividing the state into regions is essential so that every part of the state is represented, especially regional Victoria. Regional representation was seen as vital for advocating local interests and ensuring that the Upper House is not dominated by Melbourne-focussed issues. However, some participants in this Inquiry argued that the representation of all areas could be achieved in other ways than dividing the state into regions and some considered that the current structure of regions does not represent all areas anyway.

Quota size

The quota required to win a seat is a key factor in determining the diversity of representation. Lower quotas (as in statewide models) make it easier for a wider range of parties to win seats. However, some stakeholders were concerned that this may lead to a proliferation of small parties, with some elected with low levels of community support or limited policies. Higher quotas (as in models with regions) make it harder for smaller parties to be elected but may promote stability and clearer accountability. The Committee heard arguments for both approaches, with some people suggesting intermediate models to balance these competing goals (such as fewer, larger regions or only electing half of the members at each election).

Accessibility and accountability

Some people considered that regions make it easier for voters to identify and contact their representatives and to hold them accountable. Others argued that a statewide structure would encourage voters to approach any member, increasing choice and flexibility, and would provide for a different sort of accountability.

Ballot paper size and candidate numbers

Concerns were raised that statewide systems with low quotas could lead to excessively large ballot papers and overwhelming numbers of candidates. Various administrative measures, such as tougher nomination requirements and flexible ballot paper design, were suggested to mitigate these concerns.

Number of members

There was significant debate about the optimal number of Upper House members. Suggestions ranged from 25 to 55 members. Some argued for increasing the number of members from the current 40 to improve representation and reflect population growth, while others cautioned against the financial and logistical costs of a larger chamber.

Conclusion

This Inquiry found that multiple electoral structures could be appropriate for Victoria, each reflecting different priorities and trade-offs. Any change to the electoral structure will need to be passed by both houses of Parliament and the majority of voters at a referendum. A new process is therefore required to build a consensus between political parties and in the community. The Committee hopes that this report can form a framework for that process.

Findings and recommendations

2 Next steps

FINDING 1: Political parties, experts and members of the community currently disagree about what is most important in an electoral system and the effects of different structures. It is necessary for a new process to resolve these disagreements and to build agreement between political parties and within the community. **11**

FINDING 2: Group voting tickets have led to votes being counted in ways that people do not know or understand and have undermined trust in the electoral system. **11**

FINDING 3: Eliminating group voting tickets without changing the electoral structure is likely to make it harder for smaller parties to be elected for the reasons set out above. Delaying their elimination would further erode trust in the system. **11**

FINDING 4: A two-step process is the best way forward. Changes could be made to the Electoral Act before the 2026 state election to eliminate group voting tickets, to introduce the weighted inclusive Gregory system for surplus vote transfers and to improve the referendum process. A new process to build agreement about the electoral structure could take place after the 2026 election, with a referendum in 2028 or 2030 if changes to the electoral structure are recommended. **11**

FINDING 5: Having considered the matters raised in this Inquiry, the majority of the Committee believes that group voting tickets should be eliminated before the 2026 election and replaced with a system similar to the Commonwealth Senate, where voters can indicate preferences for multiple parties/groups above the line. **13**

RECOMMENDATION 1: That the Government implement Recommendation 17 from Volume 1 of the Committee's report on the 2022 Victorian state election as soon as possible, so that the new voting system will apply at the 2026 state election. **13**

FINDING 6: Having considered a range of possible electoral structures and the possibility of there being no change to Victoria's electoral structure, the Committee reaffirms its previous recommendation to introduce the weighted inclusive Gregory method to calculate surplus vote transfers. The Committee also agrees with the Victorian Electoral Commission that the same counting system should be used for local council elections. **15**

RECOMMENDATION 2: That the Government introduce legislation amending the Electoral Act, Local Government Act and City of Melbourne Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.

15

FINDING 7: The process for referendums in Victoria was specified in legislation in 2003 but this legislation has never been tested, as no referendums have been held since then. There would be benefits to reviewing this legislation to identify any provisions that could be improved.

16

RECOMMENDATION 3: That the Government review Part 9A of the Electoral Act to identify whether any changes to the process for referendums would be beneficial. Consideration should be given to the legislation and experiences in other jurisdictions and to:

- whether the pamphlets setting out arguments for and against a legislative change should be sent to every elector or to every address which has one or more electors
- who should write the information in the pamphlets
- whether the Victorian Electoral Commission should be able to spend state money to publish neutral background or explanatory information to help voters understand the issues
- whether the legislation should specify what marks other than 'YES' and 'NO' should be counted as formal.

16

FINDING 8: A new process is necessary to consider stakeholders' differing views and goals for the electoral structure and to resolve disagreements to identify a structure which can be generally agreed on. To ensure legitimacy and to make the results more likely to be accepted, this process should be independent of the Government and political parties.

21

RECOMMENDATION 4: That, following the 2026 election, a new process be established to consider and negotiate different views about the best electoral structure for Victoria's Upper House and make a recommendation if it reaches general agreement. The independent process could be:

- an expert panel
- a citizens' assembly
- a constitutional convention.

21

RECOMMENDATION 5: That the new process considering Victoria's electoral structure take note of the evidence provided to this Inquiry and set out in Chapters 3 and 4 of this report.

21

FINDING 9: Conducting a new process considering the Upper House electoral structure after the 2026 state election will mean that the results of an election without group voting tickets can be considered. To ensure that meaningful data are available for that process, it is essential that the Victorian Electoral Commission continue publishing details of the distribution of preferences for each Upper House region.

21

RECOMMENDATION 6: That, even if the voting system is changed, the Victorian Electoral Commission continue publishing detailed accounts of the distribution of preferences for each region, including the details of preference flows, how many votes exhaust at each count and the value of votes when they exhaust.

21

FINDING 10: The election timeline in Victoria is tight, creating problems for campaigners and the Victorian Electoral Commission. Two key dates for regular general elections are specified in the Constitution and can only be changed with a referendum: the issue of the writs and election day. A referendum on the electoral structure would provide an opportunity for these dates to be changed as well.

22

RECOMMENDATION 7: That, as part of the new process considering changes to the electoral structure, consideration also be given to changing the Constitutional provisions specifying the dates for the issue of the writs and election day at general elections. This consideration should factor in current pressures on the timeline and any additional pressures that would come from a new electoral structure.

22

FINDING 11: If a referendum to change the electoral structure is needed, cost savings and efficiencies could be achieved by conducting the referendum together with either the 2028 local council elections or the 2030 state election.

24

3

What matters in an electoral system

FINDING 12: Stakeholders advocating for members to be elected from the state as a whole argued that it would enable more diversity in the Upper House and provide results that more closely match people's first-preference votes, with preference flows between parties playing a smaller role. It would also lead to fewer votes exhausting than other structures.

35

FINDING 13: Some stakeholders argued that dividing the state into regions is necessary to ensure that Melbourne does not dominate the Upper House and that the different parts of Victoria are appropriately represented.

39

FINDING 14: Other stakeholders argued that regional representation could be achieved within a statewide structure. Voters from regional Victoria would have sufficient numbers to elect regional candidates if they wished. Party preselections are also used in some other jurisdictions to ensure a mix of candidates from different parts of the state, facilitating the representation of different areas in the parliament.

39

FINDING 15: An analysis of the 2022 election results in New South Wales showed that regional areas were not disadvantaged by its statewide structure in terms of being able to elect members from regional areas. In fact, regional areas were over-represented, as was inner Sydney. In contrast, the outer suburbs of Sydney, the Hunter area and the Illawarra area were under-represented. Similar results have been found in analyses of Israel and the Netherlands, which elect their members from the country as a whole.

43

FINDING 16: An analysis of members elected to Victoria's Upper House, under the current structure with regions, shows that a disproportionate number of members living in inner Melbourne have been elected, while fewer members living in the outer suburbs have been elected. Members for non-metropolitan regions come from a variety of parts of the state, although no members have been elected from the Wimmera, Mallee or most Murray communities. In addition, 14.7% of the members elected in non-metropolitan regions lived in Melbourne at the time of their election.

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FINDING 17: A low quota was seen as a positive for some stakeholders, as it enables more diversity in who is elected and means that results will more closely match first-preference votes. Other stakeholders raised multiple concerns about low quotas. These included that parties may be elected with low levels of support or limited policies and that there could be a proliferation of parties.

45

FINDING 18: Extending Upper House members' terms in office to eight years and electing half of the members at each election was seen as a way to increase the quota while maintaining a statewide electoral structure. Some stakeholders considered that this would also provide advantages such as more stability and consistency in electoral results, while others were worried that eight-year terms would be too long and would lead to a delay between changes in voters' preferences and changes in the Parliament.

47

FINDING 19: Some stakeholders feared that, with a statewide structure, some parts of the state may have limited access to Upper House members and some areas may not have any members who engage with the community. Other people argued that processes could be put in place to ensure that people had access to a member and that a statewide structure would encourage people to contact any member from across the state.

50

FINDING 20: There were mixed views about how accountability would work with a statewide structure. Some people believed that it would be harder to hold individual members accountable and it would be difficult to know who to hold accountable if an area was not represented adequately. Alternatively, it was argued that there would be a different sort of accountability with a statewide structure, where parties and members are accountable to the whole state or to the groups that elected them rather than geographic areas.

52

FINDING 21: Stakeholders disagreed about the most appropriate number of members for the Upper House, with suggestions ranging from 25 to 55. People arguing for an increase from the current 40 believed that more members would make it easier for members to fulfil their roles. People arguing against an increase were concerned about the financial impacts. Some people wanted to have an odd number of members to prevent possible deadlocks in the Parliament.

54

FINDING 22: Concerns were raised about the potential for large numbers of candidates to be on ballot papers under some structures, especially a statewide structure. It was argued that large ballot papers would make it hard for voters to make informed votes, lead to more voters making mistakes and introduce logistical challenges for the Victorian Electoral Commission. Other states have introduced various rules to reduce the number of candidates on ballot papers and Victoria may need to do something similar if a statewide structure is introduced.

64

4 Proposed electoral structures and other matters

FINDING 23: The Committee invited feedback on six possible electoral structures for the Upper House. All six structures had some level of support among the community. There were also some people preferring to keep the existing structure or adopt something else.

73

FINDING 24: The most popular structure was a statewide structure where 40 members are elected from the state as a whole at every election. This structure had similar levels of support among both metropolitan and regional participants. However, the people who provided feedback in this Inquiry were not a representative group of Victorians and the results may have been influenced by campaigning from one side. Victorians as a whole may not have the same opinion.

73

FINDING 25: Four of the structures that the Committee put out for comment involved dividing the state into regions. Arguments were made for and against each of the structures.

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FINDING 26: A wide variety of other structures was also proposed by stakeholders. While most of these were similar to the 'example structures' published by the Committee, several substantially different structures were also suggested. These included 22 two-member regions and 51 members elected through a system designed (among other things) to limit the influence of the major parties in the Upper House.

80

FINDING 27: Stakeholders suggested a variety of other changes to the electoral system, including changing how votes are counted, introducing thresholds of first-preference votes, changing how candidates are presented on ballot papers and appointing some or all members without election.

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Chapter 1

Introduction

1.1 A review of the Upper House electoral system

In August 2024, the Victorian Parliament asked the Electoral Matters Committee to look at Victoria's electoral system. Specifically, the Committee was asked to conduct an inquiry into 'possible reforms to the composition of, and voting systems for, the Legislative Council [Upper House]'.¹

The key reason for this Inquiry was a previous recommendation from the Committee. The Committee recommended changing the Upper House voting system by eliminating group voting tickets and allowing voters to indicate multiple preferences above the line. This change would make it easier for voters to control who their vote elects. However, it may make it harder for smaller parties to be elected. The Committee therefore believed that options to change the electoral structure should be considered which might compensate for this effect.

It is also timely to reconsider the electoral system. The current system was introduced almost 20 years ago, and several aspects of the electoral environment have changed since then.

This report presents the evidence received through this Inquiry, the Committee's findings and the Committee's recommended next steps.

1.2 The Committee's previous recommendations

The Committee's report on the conduct of the 2022 Victorian state election recommended:

That the Government reform the Upper House voting system by introducing legislation amending the Electoral Act to:

- eliminate group voting tickets
- allow voters to indicate multiple preferences for parties/groups above the line, where a preference above the line is interpreted as a preference for all of the candidates of that party/group, in the order listed on the ballot paper
- have ballot papers direct voters to select at least five preferences above the line
- include savings provisions similar to those in the Commonwealth Electoral Act that a vote is still valid if fewer than five preferences above the line are indicated.

The current system for voting below the line should be retained.¹

¹ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 1, July 2024, p. 59, Recommendation 17.

In making this recommendation, the Committee noted that eliminating group voting tickets ‘may make it more difficult for smaller parties to be represented in the Upper House. Changes to the number of members and/or regions would compensate for this by lowering the quota for election.’² However, the Committee recognised that changes to the electoral system are complex and require careful consideration. The Committee therefore recommended that the Parliament refer a new inquiry to the Committee ‘into possible reforms of the Upper House electoral system and their impacts’³ so that these matters could be more fully explored.

As a result, the Parliament referred this Inquiry to the Committee.

As part of this Inquiry, the Committee has also considered whether any changes should be made to the recommendation to eliminate group voting tickets, and to another recommendation to use the inclusive Gregory method to transfer surplus votes to calculate results, based on the Committee’s findings.

1.3 Changes since the current structure was introduced

The current electoral structure came into effect with the 2006 election. Over the last 20 years, several significant changes to Victoria’s electoral environment have taken place. It is therefore timely to consider whether the current electoral system is still best suited to meet Victoria’s needs.

Three changes since 2006 have particularly affected voting in the Upper House and who is elected:

- the number of parties contesting elections has increased from 12 (in 2006) to 23 (in 2022)
- the level of support for smaller parties (that is, parties other than the Greens, Labor, the Liberals and the Nationals) has increased from 9.0% of first-preference votes (in 2006) to 27.2% (in 2022)
- smaller parties have worked together to coordinate group voting tickets to improve their chance of election.⁴

As a result of these factors, there has been a significant change in the parties represented in the Upper House. Only one candidate from a smaller party was elected in 2006 and none was elected in 2010. In contrast, ten were elected in 2018 and seven in 2022.

² Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 1, July 2024, p. 62.

³ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 1, July 2024, p. 62, Recommendation 19.

⁴ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 2, July 2024, pp. 226–44.

These changes in the Victorian political landscape created some points of contention, questioning the Upper House electoral system. Since 2018, a number of stakeholders have been calling for a reform of the electoral system.⁵

Multiple participants in this Inquiry argued that it is important for the electoral system to enable smaller parties to be elected. Given the increasing number of voters supporting smaller parties, it could be argued that this is a more important consideration now than it was when the current system was designed.

1.4 The results of this Inquiry

The evidence provided through this Inquiry confirmed the Committee's view that group voting tickets should be eliminated (see further discussion in Section 2.3.1 of Chapter 2). The Committee also continues to believe that the weighted inclusive Gregory method should be used to calculate surplus vote transfers (see Section 2.3.2).

However, this Inquiry did not provide a clear answer to whether the electoral structure should be changed and, if so, how. The Inquiry process showed that there is no consensus about what structure is best for Victoria. Political parties, academics, psephologists and members of the community did not agree on what structure would best serve Victoria.

Ultimately, choosing an electoral structure involves balancing various competing goals (see further discussion in Section 3.2). This Inquiry has been a valuable process for understanding the goals that people want an electoral structure to achieve. Selecting the right balance involves deciding which goals are more important and what is the best way to achieve them. However, parties and members of the community expressed differing views on both points.

Most changes to the electoral structure would require the changes to be supported by a majority of both houses of Parliament and by a majority of Victorian voters at a referendum. As a result, it is difficult to make changes unless there is agreement between major political parties. It is impossible to make changes without a general agreement across the Victorian community.

The Committee therefore believes that a further process is needed. This new process should allow parties and the community to negotiate their differing views and reach some level of agreement. A parliamentary inquiry is not the best process to achieve this. A different process is needed that will provide an outcome that can be accepted by all sides. Options for this new process are discussed in Section 2.4.1.

The arguments, ideas, concerns and evidence presented in this Inquiry should form a helpful starting point and framework for this new process. These are presented in Chapters 3 and 4 of this report.

⁵ See, for example, Richard Willingham and Stephanie Anderson, 'Victorian election Upper House calculation results confirm Labor, crossbench domination', *ABC News*, 11 December 2018, <<https://www.abc.net.au/news/2018-12-11/upper-house-victorian-election-results-labor-dominant/10605464>> accessed 15 October 2025.

1.5 The Inquiry process

A key element of this Inquiry was seeking input from the community. To facilitate that, the Committee identified several key questions which people were invited to respond to.

1.5.1 The Committee's key questions

The Committee sought answers to the following questions:

- Should Victoria be divided into regions to elect members of the Upper House, or should all members be elected by the state as a whole?
- If there should be regions, how many regions should there be and how many members should each region elect?
- How many members of the Upper House should there be in total?
- Are there other changes to the way that members are elected to the Upper House that should be considered?

The Committee indicated that there was no need for further public input on some issues which had been covered in previous inquiries:

- how people should fill out ballot papers
- group voting tickets
- how votes should be counted.

The submissions on those topics from previous inquiries were available to the Committee during this Inquiry. It was therefore not necessary for those arguments to be repeated. However, in seeking public input, the Committee noted that participants in this Inquiry were welcome to address these matters if they directly related to a model that they were proposing.

1.5.2 Community input

The Committee sought input from parties, psephologists, academics and other members of the community. At the start of the Inquiry, the Committee produced a discussion paper which provided background information and included six 'example structures'. These structures were designed to help people understand the types of changes that are possible and to stimulate discussion (see further details in Chapter 4).

The Committee sought public input by:

- calling for formal written submissions
- producing an online form, where people could leave comments arguing for their preferred example structure, or they could indicate that they preferred a different structure or no change from the current structure
- inviting a variety of stakeholders to talk with the Committee at public hearings.

The Committee received 62 submissions, 141 responses through the online form and conducted 16 public hearings. The Committee also conducted its own research looking at electoral data in Victoria and other jurisdictions.

The Committee would like to express its gratitude for people's time and effort providing input to this Inquiry. This input helped the Committee to understand what matters to Victorians and what needs to happen next. The Committee sincerely thanks everybody who contributed to this Inquiry.

Further details about the inquiry process can be found in Appendix A of this report.

1.6 Structure of this report

Chapter 2 sets out the next steps for reforming the Upper House electoral system. This includes changes to the Electoral Act that can be made now. It also includes a new process to build agreement between political parties and within the community about the best structure for the Upper House.

Chapter 3 outlines the key issues discussed by stakeholders in relation to the electoral system. The Committee has generally set out the arguments made by stakeholders without expressing its view. The Committee has also included some data analyses to assist with interpreting the arguments.

Chapter 4 looks at the example structures developed by the Committee and the feedback received from stakeholders. It also discusses some suggestions made by stakeholders about changing the method of voting and the method of counting votes. It concludes with a summary of the key findings from people's contributions to the Inquiry. These findings should form the starting point for a new process looking at this electoral structure.

Appendix A provides details of the process for this Inquiry.

Chapter 2

Next steps

2.1 Introduction

The primary focus of this Inquiry was to explore possible new electoral structures for Victoria's Upper House. The Inquiry considered whether members should be elected from the state as a whole or from regions. It also considered different ways to divide the state into regions. A significant amount of input was received from the community, which is discussed in Chapters 3 and 4 of this report.

Having considered the evidence received through this Inquiry, the Committee has decided not to make a recommendation about the electoral structure for Victoria's Upper House. Changes to the electoral structure require broad support from political parties and the community. However, there remain significant disagreements about what structure would be best. A new process is needed to resolve these disagreements.

The majority of the Committee therefore recommends that the Government implement a two-step process to change the electoral system for the Upper House. Section 2.2 of this chapter provides an overview of this two-step process and the Committee's rationale for this approach.

The first step involves making amendments to the Electoral Act to eliminate group voting tickets, to introduce the weighted inclusive Gregory method for transferring surplus votes and to improve the referendum process. These amendments should be made before the 2026 state election. Section 2.3 explores this step.

The second step consists of undertaking a new process to consider the differing views on the best electoral structure and finding a solution that can be generally agreed on. If changes to the electoral structure are recommended, this would be followed by a referendum for voters to decide whether to implement a new structure. This should take place after the 2026 election. Step 2 is discussed in Section 2.4.

2.2 A two-step process

As noted in Chapter 1, the Committee has previously recommended that group voting tickets be eliminated and that the weighted inclusive Gregory method be introduced for transferring surplus votes.¹

¹ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 1, July 2024, p. 59, Recommendation 17 and vol. 2, July 2024, p. 301, Recommendation 73.

The Committee has considered these matters again, taking into account the evidence from the current Inquiry. The Committee still supports these recommendations. The Committee's views are discussed further in Sections 2.3.1 and 2.3.2 of this chapter.

However, the Committee believes that further work is needed to consider the electoral structure for Victoria. This Inquiry has identified that political parties, experts and members of the community have a variety of opinions about what is most important in an electoral system and the effects of different structures (see further discussion in Chapters 3 and 4). Reconciling those different views will be a complex process. A parliamentary committee inquiry like this is not the best way to do that and a new, separate process is needed (see further discussion in Section 2.4.1).

The key question for the Committee is therefore whether the changes to group voting tickets and the weighted inclusive Gregory method should be:

- implemented before the new process looking at changes to the electoral structure (a two-step process) or
- delayed until after the new process, so that all changes are implemented together (a one-step process).

The Committee considers the weighted inclusive Gregory method to be straightforward, as this would be a fairer system for counting the votes no matter what structure is put in place. There is no reason to delay this until a further process is completed.

The question of whether to eliminate group voting tickets before deciding on changes to the electoral structure is more complex. As the Committee previously stated:

because Victoria is divided into eight regions, each electing five members, a candidate cannot be elected unless they gather 16.7% of [the] votes in one region (either from first-preference votes or the flow of preferences). This makes it harder for smaller parties to achieve representation.

The coordination of preferences using group voting tickets has been used by smaller parties to counteract this effect. If group voting tickets were eliminated but the current structure of regions continued, major parties would likely be over-represented in the Upper House and there would likely be fewer minor parties and less diversity.²

Any new process to decide on an electoral structure would take time, so it could not be completed before the 2026 state election. Delaying the elimination of group voting tickets to happen together with electoral structure changes would therefore mean at least one more election with group voting tickets. On the other hand, if a two-step process were adopted, group voting tickets could be eliminated before the 2026 election.

2 Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 60.

The Committee sought opinions from experts and representatives of political parties on this issue. The majority considered that eliminating group voting tickets is a priority and that this should be done as soon as possible, even if that means doing it before (or without) any changes to the electoral structure.

Steve Staikos from the Labor Party said:

I personally think both reforms are important and necessary and they do not have to be coupled together. I think we are the last jurisdiction in this country that still has group voting tickets. I think what the Australian public has demonstrated, and Victorian voters have demonstrated most recently through the [Commonwealth] election that happened a few weeks ago, is that upper house voting is possible without group voting tickets. People can choose how their preferences are distributed and to which parties they are distributed, whether that is above the line or below the line.³

Stuart Smith from the Liberal Party stated:

It is our preference that you could move on with group voting ticket reform. We are of the view that we do not think that it is necessary to do any changes to the regions, and we are quite happy for it to remain as it currently is.⁴

Lyndel Feery from the Nationals suggested eliminating group voting first and seeing how the system works without them, before implementing any further changes to the Upper House (if necessary).⁵

Representatives of the Australian Greens and Family First also indicated that they would support a two-step process.⁶ Representatives of the Sustainable Australia Party and Animal Justice Party stated that they would support a two-step process but only if a referendum on an electoral structure were guaranteed at the next election.⁷

The Legalise Cannabis Party was the only party to tell the Committee that it would not support a two-step process. The party argued that it would be 'grossly undemocratic and antithetical to maximising proportional representation' to eliminate group voting tickets without changing the electoral structure.⁸

³ Steve Staikos, State Secretary Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 43.

⁴ Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 38.

⁵ Lyndel Feery, State Director, Victoria, National Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 38.

⁶ Jessica Wheelock, Head of Campaigns and Engagement, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 18; Alex van der End, Family First Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 28–9.

⁷ William Bourke, National Administrator, Sustainable Australia Party and Ben Schulz, State Manager, Animal Justice Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 29.

⁸ Legalise Cannabis Party, *Submission 53*, p. 1. See also Craig Ellis, National Secretary, Legalise Cannabis Australia, public hearing, Melbourne 19 May 2025, *Transcript of evidence*, pp. 29, 31.

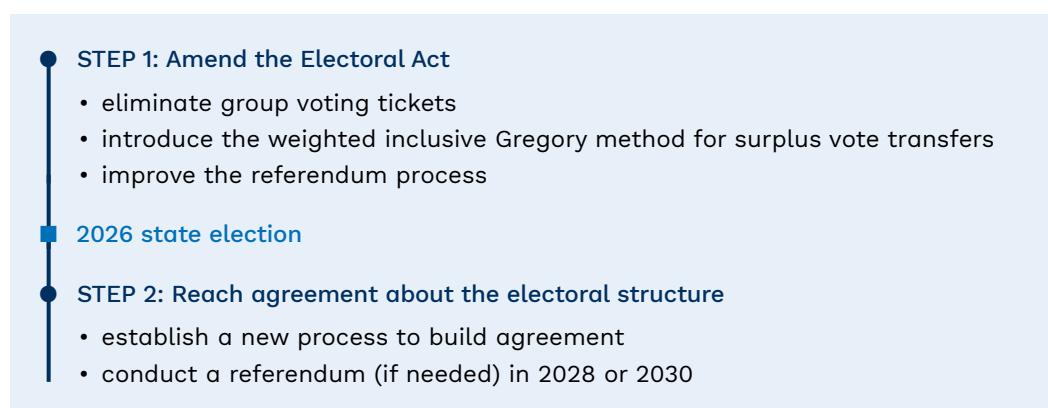
The Committee recognises the concerns about removing group voting tickets without changing the electoral structure. This is likely to make it harder for smaller parties to be elected, given the high quota (number of votes required to be elected) in the current structure. Smaller parties whose first-preference votes have been far from the quota have been able to use group voting tickets to receive preferences from multiple other smaller parties to achieve the quota.⁹ When group voting tickets were removed for the Commonwealth Senate, preference flows between smaller parties were much less reliable, as many smaller party voters gave their second preferences to major parties or their votes would exhaust without counting towards any party (that is, all of the parties they gave preferences to would be eliminated).¹⁰

However, group voting tickets have meant that people's votes have been counted in ways that they do not know or understand. Combined with the practice of coordinating preference deals for payment (often referred to as 'preference whispering'), this has undermined public trust in the electoral system.¹¹

Removing group voting tickets will not make it impossible for smaller parties to be elected. It will just mean that they will have to convince voters to give them preferences rather than relying on group voting tickets.

Given the importance of removing group voting tickets, the majority of the Committee therefore recommends a two-step process. The Committee's proposed process is set out in Figure 2.1.

Figure 2.1 The Committee's proposed two-step process



Source: Electoral Matters Committee.

⁹ See, for example, Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, pp. 228–30; Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 208–11.

¹⁰ See, for example, Antony Green, *2019 WA Senate election – ballot paper and preferences analysis*, <<https://antonygreen.com.au/2019-wa-senate-election-ballot-paper-and-preferences-analysis>> accessed 22 October 2025; Antony Green, *2019 SA Senate election – ballot paper and preferences analysis (part 1)*, <<https://antonygreen.com.au/2019-sa-senate-election-ballot-paper-and-preferences-analysis-part-1>> accessed 22 October 2025; Antony Green, 'The Senate result', in Anika Gauja, Marian Sawyer and Marian Simms (eds), *Morrison's miracle: the 2019 Australian Federal election*, ANU Press, Acton, 2020, pp. 203–21.

¹¹ Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, pp. 226–44.

New legislation should be introduced to the Parliament as soon as possible to remove group voting tickets and introduce the weighted inclusive Gregory method. At the same time, the Parliament should consider improvements to the referendum process in anticipation of a referendum as part of Step 2. More details of these changes are set out in Section 2.3 of this chapter.

Following the 2026 state election, a new process should be undertaken to build agreement about the electoral structure. This new process should focus on working through people's differing opinions to build cross-party support and general agreement in the community. The fact that this process will take place after the 2026 state election will mean that the results of an election without group voting tickets will be known. This will provide a better understanding of the effects of removing group voting tickets, which may assist with the process. A referendum to implement any changes recommended by this process could take place (if the new process recommends changes to the electoral structure) in 2028 or 2030. Step 2 is discussed further in Section 2.4.

FINDING 1: Political parties, experts and members of the community currently disagree about what is most important in an electoral system and the effects of different structures. It is necessary for a new process to resolve these disagreements and to build agreement between political parties and within the community.

FINDING 2: Group voting tickets have led to votes being counted in ways that people do not know or understand and have undermined trust in the electoral system.

FINDING 3: Eliminating group voting tickets without changing the electoral structure is likely to make it harder for smaller parties to be elected for the reasons set out above. Delaying their elimination would further erode trust in the system.

FINDING 4: A two-step process is the best way forward. Changes could be made to the Electoral Act before the 2026 state election to eliminate group voting tickets, to introduce the weighted inclusive Gregory system for surplus vote transfers and to improve the referendum process. A new process to build agreement about the electoral structure could take place after the 2026 election, with a referendum in 2028 or 2030 if changes to the electoral structure are recommended.

2.3 Step 1: Amend the Electoral Act

The changes proposed for Step 1 involve:

- eliminating group voting tickets
- introducing the weighted inclusive Gregory method for calculating surplus vote transfers
- improving the referendum process.

These changes can all be implemented by amending the Electoral Act. This can be done by the Parliament without a referendum.

2.3.1 Eliminate group voting tickets

The impact of group voting tickets on Upper House electoral results has been extensively covered in previous inquiries conducted by this Committee.¹²

In the Committee's report on the 2022 state election, Recommendation 17¹³ called for the elimination of group voting tickets and for allowing voters to indicate multiple preferences above the line, as in the Commonwealth Senate (see Section 1.2 in Chapter 1 of this report). The reasons for this recommendation were summarised in Finding 15 of the report:

Eliminating group voting tickets and allowing multiple preferences above the line would improve Victoria's Upper House voting system. These changes would enable voters to better understand where their votes would be transferred, while also being relatively simple for voters and minimising the proportion of votes that do not count towards any candidates.¹⁴

Because it had previously taken evidence on this matter, the Committee did not encourage further submissions on this specific topic as part of this Inquiry. Nonetheless, the Committee received multiple submissions discussing group voting tickets. Most of the submissions recommended their elimination.¹⁵

The main concern expressed about eliminating group voting tickets was the impact that it would have without changes to the electoral structure. As discussed in Section 2.2, the Committee recognises this concern. However, the majority of the Committee considers that eliminating group voting tickets is a priority and should happen before the 2026 state election, even though changes to the electoral structure will not be practicable until after the election.

¹² Parliament of Victoria, Electoral Matters Committee, *Inquiry into the conduct of the 2018 Victorian state election*, August 2020, Chapter 11; Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, Chapter 6.

¹³ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 59.

¹⁴ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 59.

¹⁵ An exception is Chris Curtis, who argued in favour of group voting tickets—see Chris Curtis, *Submission 46*, pp. 3, 9 and Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, pp. 5, 7. See also Name withheld, *Submission 13*, pp. 1–2.

There was also some discussion regarding how many preferences should be indicated above the line with the Committee's proposed new way of voting. The Committee previously recommended that voters be directed to indicate at least five preferences above the line, but savings provisions should be introduced to allow a vote to be counted if it has at least one preference above the line.¹⁶ During this Inquiry, some stakeholders supported this or other 'optional preferential' approaches.¹⁷ Others considered that voters should be required to number all above-the-line squares.¹⁸ One submitter did not support allowing just one preference, arguing that it is a voter's duty to choose between multiple parties, even if some are unpalatable to the voter. He also argued that it would be unjust for some above-the-line votes to count towards more candidates than others.¹⁹

This issue is ultimately a balancing act. A smaller number of preferences will mean that more votes exhaust (that is, they will not count towards any candidate or will only partially count towards candidates). On the other hand, requiring a larger number of preferences will lead to a higher informality rate, which also means that votes will not count towards any candidates. The Committee maintains its previous view that directing people to indicate five preferences,²⁰ while also providing savings provisions that will allow votes to be counted with less, provides an appropriate balance, while also maintaining continuity with current below-the-line requirements.

All things considered, the Committee confirms its previous recommendation about eliminating group voting tickets and allowing multiple votes above the line.

The Committee also continues to support its previous recommendation that, if these changes are implemented, the Government should provide additional funding to the Victorian Electoral Commission (VEC) to develop and conduct an information campaign about the new voting system.²¹

FINDING 5: Having considered the matters raised in this Inquiry, the majority of the Committee believes that group voting tickets should be eliminated before the 2026 election and replaced with a system similar to the Commonwealth Senate, where voters can indicate preferences for multiple parties/groups above the line.

RECOMMENDATION 1: That the Government implement Recommendation 17 from Volume 1 of the Committee's report on the 2022 Victorian state election as soon as possible, so that the new voting system will apply at the 2026 state election.

¹⁶ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 56.

¹⁷ Maxim Payne, *Submission 4*, p. 3; Anthony van der Craats, *Submission 33*, p. 3; Name withheld, *Submission 42*, p. 1; Jordan Clarke, *Submission 47*, p. 2; Institute of Public Affairs, *Submission 57*, Attachment 'Towards representation and accountability: How to reform Victoria's upper house', p. 9; Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 15.

¹⁸ Anthony van der Craats, *Submission 33a*, p. 2. See also James Mason, *Submission 38*, p. 1.

¹⁹ Chris Curtis, *Submission 46*, p. 13; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 8.

²⁰ The Committee also notes concerns that the instructions should be honest—Malcolm Mackerras, *Submission 11*, pp. 3–4.

²¹ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, p. 60, Recommendation 18.

2.3.2 Introduce the weighted inclusive Gregory method

In its report on the 2022 state election, the Committee recommended changing how surplus votes are transferred. Surplus vote transfers occur when a candidate is elected with more votes than the quota for election. Their votes are then passed on to other candidates, at a reduced value, according to the preferences on the ballot papers.

Based on the data collected during the previous inquiry, the Committee found that:

In particular circumstances, the current formula used to determine the value of transferred surplus votes from successful Upper House candidates can lead to some votes counting for more than others. This is a violation of the ‘one vote, one value’ principle.²²

The Committee recommended that a different formula be used—the weighted inclusive Gregory method.²³

The Committee did not see a need to seek further input on this matter. Nonetheless, two submitters expressed their support for moving from the current system to the weighted inclusive Gregory method.²⁴

As noted in Section 2.2, the weighted inclusive Gregory method would be a fairer system under any of the changes considered in this Inquiry or if there is no change to the electoral structure. The VEC has noted that the circumstances leading to problems with the current method are less likely with the elimination of group voting tickets.²⁵ However, the Committee would still like to see this risk reduced.

The VEC has also suggested that, if the weighted inclusive Gregory method is used for the Upper House, it should be used for multi-member elections at local councils as well.²⁶ The Committee agrees that using a consistent system of vote counting at both state and local council levels is appropriate.

In addition, the VEC noted the cost of modifying its software in response to eliminating group voting tickets, allowing multiple preferences above the line and adopting the weighted inclusive Gregory method.²⁷ The Committee would support a request from the VEC for additional funding to cover this cost.

²² Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 301.

²³ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 2, July 2024, p. 301, Recommendation 73.

²⁴ Michael Tandora, *Submission 22*, p. 1; Ben Messenger, *Submission 55*, p. 2.

²⁵ Victorian Electoral Commission, *Inquiry into the conduct of the 2022 Victorian state election public hearings*, response to questions on notice received 23 October 2023, p. 7.

²⁶ Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, p. 70.

²⁷ Victorian Electoral Commission, *Inquiry into the conduct of the 2022 Victorian state election public hearings*, response to questions on notice received 23 October 2023, p. 7; Victorian Electoral Commission, *Response to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election*, 18 November 2024, pp. 19, 73, 76.

FINDING 6: Having considered a range of possible electoral structures and the possibility of there being no change to Victoria's electoral structure, the Committee reaffirms its previous recommendation to introduce the weighted inclusive Gregory method to calculate surplus vote transfers. The Committee also agrees with the Victorian Electoral Commission that the same counting system should be used for local council elections.

RECOMMENDATION 2: That the Government introduce legislation amending the Electoral Act, Local Government Act and City of Melbourne Act to specify that transfer values for surplus votes under proportional representation should be calculated using the weighted inclusive Gregory method.

2.3.3 Improve the referendum process

Changes to the electoral structure of the Upper House would require a referendum. The Committee therefore considered the referendum process as part of this Inquiry. The Committee identified several amendments to the process that may be beneficial and believes that a review of the current legislation would be worthwhile.

The last state referendum in Victoria was held in 1956.²⁸ In 2003, the Parliament introduced new legislation specifying the referendum process.²⁹ However, the referendum legislation has never been put into practice, as there have been no referendums since then. The Parliament has also never reviewed the legislation.³⁰

Looking at referendum legislation in other jurisdictions, especially the Commonwealth, the Committee has noted some differences which should be considered for Victoria.

Firstly, both Victorian and Commonwealth legislation require a pamphlet to be produced with arguments in favour of and against the changes being voted on in a referendum. The Victorian legislation requires a pamphlet to be posted to *every elector*.³¹ However, the Commonwealth legislation requires one pamphlet to be posted to *every address* where one or more electors are registered.³² The Committee considers that one pamphlet per household would be sufficient and would provide a significant cost saving compared to sending a pamphlet to each elector.

Secondly, there are variations in who writes the material for the pamphlet. In the Victorian and Commonwealth legislation, the arguments are written by Members of Parliament.³³ In NSW, there is no legislative requirement for the preparation of a

²⁸ Paul Kildea, 'The law and history of state and territory referendums', *Sydney Law Review*, vol. 44, no. 1, 2022, p. 59.

²⁹ *Constitution (Parliamentary Reform) Act 2003* (Vic).

³⁰ An exception to this is a minor change made to one clause as a consequential amendment in the *Public Administration Act 2004* (Vic).

³¹ *Electoral Act 2002* (Vic) s 177C(2).

³² *Referendum (Machinery Provisions) Act 1984* (Cth) s 11(2).

³³ *Electoral Act 2002* (Vic) s 177C(1)(b); *Referendum (Machinery Provisions) Act 1984* (Cth) s 11(2)(b).

pamphlet, but public servants customarily prepare arguments for complex proposals, with experts vetting the arguments to ensure fairness.³⁴

Thirdly, some jurisdictions have allowed electoral commissions to publish neutral background or explanatory information.³⁵ Victoria's legislation limits what the VEC would be permitted to do.³⁶ Explanatory information from a neutral source like the VEC may assist voters with a complex topic like electoral structures.

Finally, there may be value in the Parliament specifying the rules for when a referendum vote is counted as informal. Voters are required to write 'YES' or 'NO'.³⁷ However, in other jurisdictions, there have been repeated controversies about what other marks (such as ticks and crosses) would also be counted as formal votes.³⁸ In some cases, this has led to people questioning the impartiality of the electoral commission.³⁹ The Parliament may wish to reduce the risk of such problems by specifying in legislation what other marks should be accepted and what should not.

FINDING 7: The process for referendums in Victoria was specified in legislation in 2003 but this legislation has never been tested, as no referendums have been held since then. There would be benefits to reviewing this legislation to identify any provisions that could be improved.

RECOMMENDATION 3: That the Government review Part 9A of the Electoral Act to identify whether any changes to the process for referendums would be beneficial. Consideration should be given to the legislation and experiences in other jurisdictions and to:

- whether the pamphlets setting out arguments for and against a legislative change should be sent to every elector or to every address which has one or more electors
- who should write the information in the pamphlets
- whether the Victorian Electoral Commission should be able to spend state money to publish neutral background or explanatory information to help voters understand the issues
- whether the legislation should specify what marks other than 'YES' and 'NO' should be counted as formal.

³⁴ Anne Twomey, *The Constitution of New South Wales*, The Federation Press, Sydney, 2004, p. 320.

³⁵ Paul Kildea, 'The law and history of state and territory referendums', *Sydney Law Review*, vol. 44, no. 1, 2022, p. 56. See also *Referendum (Machinery Provisions) Amendment Act 2023* (Cth), sch 3A, s 2.

³⁶ *Electoral Act 2002* (Vic) s 177C(4). Note the discussion in George Williams and David Hume, *People power: the history and the future of the referendum in Australia*, University of New South Wales Press, Sydney, 2010, pp. 66–8.

³⁷ *Electoral Act 2002* (Vic) s 177H(2).

³⁸ Paul Kildea, 'The law and history of state and territory referendums', *Sydney Law Review*, vol. 44, no. 1, 2022, pp. 51–2; George Williams and David Hume, *People power: the history and the future of the referendum in Australia*, University of New South Wales Press, Sydney, 2010, pp. 52–3.

³⁹ See, for example, James Massola, 'AEC ticks off Peter Dutton over "factually incorrect" complaint', *The Sydney Morning Herald*, 25 August 2023, <<https://www.smh.com.au/politics/federal/aec-ticks-off-peter-dutton-over-factually-incorrect-complaint-20230825-p5dzga.html>> accessed 6 August 2025.

2.4 Step 2: Reach agreement about the electoral structure

Step 2 would involve a new process to negotiate the current disagreements about what the best structure would be for the Upper House and to identify a structure that parties and the community can agree on. This would take longer than Step 1 and would need to take place after the 2026 state election.

Implementing any changes to the electoral structure coming from this new process would involve amending the Constitution. The amendments would have to pass both houses of Parliament and a referendum would be needed to confirm the proposed changes. Only with a positive outcome to all steps could any changes be implemented.

2.4.1 Establish a new process to build agreement

Determining the most appropriate Upper House electoral structure is a significant challenge for a number of reasons. Firstly, there are numerous options that could provide valid and workable structures for Victoria. Deciding between these alternatives requires value judgements about what the most important goals of an electoral system should be. Secondly, some structures are likely to advantage particular parties more than others. If a decision is made by members of political parties, this could lead to perceptions of bias. Thirdly, electoral systems are complex and analysing alternatives requires a deep understanding of how votes are counted and the effects of possible changes.

Since the beginning of this Inquiry, the Committee has been conscious of the complexity of this topic. For this reason, the Committee published a discussion paper with background information, six different 'example structures' and a list of features for each structure (see further discussion in Section 4.2 of Chapter 4).

Members of the public, experts and political parties expressed their opinions about the example structures and other possible structures. All of the example structures had some level of support and all had some opposition. Several additional structures were also suggested by submitters which had merit. It was clear that there was not a general preference for one specific model (see further discussion in Chapter 4).

The Committee's process was effective at understanding the major concerns that people have about electoral structures (see Chapter 3). However, the inquiry process is not well suited to resolving stakeholders' differing views and building agreement. Given that changes to the electoral structure would need to pass through both houses of Parliament and then be agreed to by a majority of voters at a referendum, a new process to build agreement is necessary before any attempt to change the electoral structure can begin.

To achieve this agreement, the new process must involve an impartial approach which can reduce concerns about bias and can be accepted by most stakeholders. The process should not be run by Members of Parliament. Professor Anne Twomey has argued:

The track-record of the failure of constitutional referenda has often been attributed to the politically partisan nature of the initiation of constitutional reform proposals. One

argument is that the people will not accept, or at least are inherently suspicious of, proposals that are initiated by the Commonwealth Government.⁴⁰

A survey conducted by Professor Ron Levy similarly found that people on average rated constitutional changes led by parliaments at 4.7 out of 10 in terms of fairness and impartiality.⁴¹

Alternative processes to reach agreement on an electoral structure

After investigating constitutional reforms in Australia and abroad, the Committee has identified three alternative ways that this new process could be conducted:

- expert panel
- citizens' assembly
- constitutional convention.

These approaches may be perceived as more impartial than a committee inquiry and would be more effective at building community and cross-party support.

An **expert panel** would involve appointing a group of experts in the field of political and legislative reforms to make decisions based on their skills, knowledge and expertise. Expert panels typically also conduct a public consultation process, giving the community and political parties a chance to provide input. The recent reform of the Upper House in Western Australia, for instance, involved the appointment of an expert panel of four people: three academics and a barrister/former state governor.⁴² The reforms to Victoria's Upper House which came into effect in 2006 were also the result of an expert panel. That expert panel had three members: a Justice of the Supreme Court and two former politicians.⁴³

While this approach would guarantee the involvement of experts who can understand the complexities of the topic, there may be controversy about who is appointed to the panel and who makes the appointments. This may undermine trust in the panel and reduce the likelihood of cross-party acceptance of its recommendations. In addition, although expert panels typically consult with the public, the public's role is limited, and voters may be less inclined to approve a panel's results.⁴⁴

A **citizens' assembly** involves choosing a representative cross-section of the population by lot to make a recommendation. The assembly spends some time understanding and discussing an issue, supported by experts and public consultation, before reaching a

⁴⁰ Anne Twomey, 'Constitutional conventions, commissions and other constitutional reform mechanisms', *Sydney Law School Legal Studies Research Paper*, no. 08/38, 2008, p. 2.

⁴¹ Ron Levy, 'Breaking the constitutional deadlock: lessons from deliberative experiments in constitutional change', *Melbourne University Law Review*, vol. 34, no. 3, 2010, p. 835.

⁴² Ministerial Expert Committee on Electoral Reform, *Final report*, West Perth, Government of Western Australia, 2021, p. 45.

⁴³ Constitution Commission Victoria, *A house for our future*, [Melbourne], 2002, p. 5.

⁴⁴ Anne Twomey, 'Constitutional conventions, commissions and other constitutional reform mechanisms', *Sydney Law School Legal Studies Research Paper*, no. 08/38, 2008, pp. 2, 12–13, 19–21.

decision.⁴⁵ Experiences in Australia and abroad show that this approach can be used to reach a solution on electoral systems.⁴⁶

This process may be more effective at building trust among voters and reduces concerns about political bias from the involvement of politicians.⁴⁷ It may also help to build consensus between political parties, who may be willing to accept a decision that has been made by members of the community. In selecting people to be in the assembly, efforts could be made to ensure that different parts of the state are represented (see concerns about regional representation in Section 3.4 of Chapter 3).

Members of the assembly become more informed about the issues through the process, but this approach does not guarantee the level of expertise that an expert panel can provide.

The third option, a **constitutional convention**, is a combination of the other two options. Members of a constitutional convention can be appointed or elected (or a combination of both methods). Efforts can be made to ensure that a diversity of voices are present. This approach has been adopted at the Commonwealth level multiple times, most recently in 1998 to consider Australia becoming a republic. In that case, there were 152 delegates, of which half were elected by the community and half appointed by the government (including 40 people from Commonwealth, state and territory parliaments).⁴⁸

A constitutional convention provides an opportunity for members of the public, experts and politicians (if included) to discuss matters together and work towards an agreed approach. It may assist with legitimacy among the public. Professor Twomey has argued that:

An elected constitutional convention ... gives the people a positive role in initiating constitutional reform. On this basis, they might be more likely to approve, or at least give serious consideration to, the products of its deliberation.⁴⁹

The Committee considers that each of these three approaches has advantages and disadvantages and any of these processes would provide an opportunity for differing views to be considered and a solution agreed on. Ultimately, the Committee considers that the decision about the best process should be made by the Government in consultation with other parties, to determine which process will most likely achieve a general agreement.

⁴⁵ Ron Levy, 'Breaking the constitutional deadlock: lessons from deliberative experiments in constitutional change', *Melbourne University Law Review*, vol. 34, no. 3, 2010, pp. 810–12.

⁴⁶ newDemocracy Foundation, *Submission 56*, p. 2; Ron Levy, 'Breaking the constitutional deadlock: lessons from deliberative experiments in constitutional change', *Melbourne University Law Review*, vol. 34, no. 3, 2010, pp. 808, 812; Anne Twomey, 'Constitutional conventions, commissions and other constitutional reform mechanisms', *Sydney Law School Legal Studies Research Paper*, no. 08/38, 2008, pp. 23–4.

⁴⁷ newDemocracy Foundation, *Submission 56*, p. 4; Ron Levy, 'Breaking the constitutional deadlock: lessons from deliberative experiments in constitutional change', *Melbourne University Law Review*, vol. 34, no. 3, 2010, pp. 813, 835–7.

⁴⁸ Australian Electoral Commission, *Constitutional convention overview*, <https://www.aec.gov.au/elections/constitutional_convention/Constitutional_Convention_Overview.htm> accessed 1 August 2025.

⁴⁹ Anne Twomey, 'Constitutional conventions, commissions and other constitutional reform mechanisms', *Sydney Law School Legal Studies Research Paper*, no. 08/38, 2008, p. 2.

Support for a new process

During this Inquiry, several parties expressed support for conducting a new process to determine the most appropriate electoral structure.

The Liberal Party argued that:

The Committee's proposals have not followed the steps of earlier constitutional change where a convention or specialist independent committee is appointed to engage the community and meaningfully assess options. We assert as part of our submission that change should not be undertaken without a properly convened constitutional convention (or similar) and wide community input.⁵⁰

The Legalise Cannabis Party similarly stated:

the process of change should be the product of an open, transparent and inclusive process, that extends beyond a report from the EMC [Electoral Matters Committee] and subsequent Government decision.

Accordingly, LCP [the Legalise Cannabis Party] supports the establishment of a Constitutional Convention to consider these (and related) questions in a manner most likely to achieve a consensus of Victorians as to appropriate change.⁵¹

The Libertarian Party called for an expert panel 'to ensure that reforms had non-partisan support, public engagement and credibility.'⁵² A representative of the Sustainable Australia Party argued that the decision should be made by an 'independent umpire' rather than the Parliament.⁵³

The newDemocracy Foundation called for a citizens' assembly, arguing that this has been effective elsewhere, including in determining the Geelong City Council's electoral system in 2016.⁵⁴

As noted above, the Committee considers that any of these approaches could be effective.

The work done through this Inquiry would form a valuable starting point for any new process. The new process should consider the evidence provided to this Committee and the findings in Chapters 3 and 4 of this report. Section 4.5 in Chapter 4 provides a summary of the key findings and issues that the new process needs to consider.

⁵⁰ Liberal Party of Australia (Victorian Division), *Submission 28*, p. 9.

⁵¹ Legalise Cannabis Party, *Submission 53*, p. 3. See also Craig Ellis, National Secretary, Legalise Cannabis Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 29, 31.

⁵² Libertarian Party, *Submission 58*, p. 3.

⁵³ William Bourke, National Administrator, Sustainable Australia Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 26.

⁵⁴ newDemocracy Foundation, *Submission 56*, pp. 1–5.

FINDING 8: A new process is necessary to consider stakeholders' differing views and goals for the electoral structure and to resolve disagreements to identify a structure which can be generally agreed on. To ensure legitimacy and to make the results more likely to be accepted, this process should be independent of the Government and political parties.

RECOMMENDATION 4: That, following the 2026 election, a new process be established to consider and negotiate different views about the best electoral structure for Victoria's Upper House and make a recommendation if it reaches general agreement. The independent process could be:

- an expert panel
- a citizens' assembly
- a constitutional convention.

RECOMMENDATION 5: That the new process considering Victoria's electoral structure take note of the evidence provided to this Inquiry and set out in Chapters 3 and 4 of this report.

An advantage of the Committee's proposed timeline is that the new process would be able to consider how the system worked without group voting tickets at the 2026 election. To enable analyses of the data and an evaluation of whether the system without group voting tickets provides fair representation, it will be essential for the VEC to publish details of the distribution of preferences for each region. This should include preference flows, how many votes exhaust at each count and the value of votes when they exhaust. This information is currently published by the VEC for Upper House counts. The Committee considers it essential that this information continue to be published after any change to the system.

FINDING 9: Conducting a new process considering the Upper House electoral structure after the 2026 state election will mean that the results of an election without group voting tickets can be considered. To ensure that meaningful data are available for that process, it is essential that the Victorian Electoral Commission continue publishing details of the distribution of preferences for each Upper House region.

RECOMMENDATION 6: That, even if the voting system is changed, the Victorian Electoral Commission continue publishing detailed accounts of the distribution of preferences for each region, including the details of preference flows, how many votes exhaust at each count and the value of votes when they exhaust.

A referendum would also provide an opportunity to address another problem relating to elections in the Constitution. The Constitution currently specifies two key dates in the timeline for regular general elections—the issue of the writs and election day.⁵⁵ The Committee has previously noted that the specified dates have caused problems through creating a tight timeline and by placing events close to Christmas and the end of the year.⁵⁶ This has caused problems for both campaigners and the VEC. The VEC has noted that changes to the electoral structure may create additional pressures on the timeline.⁵⁷

These dates require a referendum to change.⁵⁸ If a referendum is to be conducted on changes to the electoral structure, changes to these dates could also be included. The Committee would therefore like to see the election timeline considered as part of any new process considering electoral structures, so that changes to the timeline might also be included in a referendum if one is conducted.

FINDING 10: The election timeline in Victoria is tight, creating problems for campaigners and the Victorian Electoral Commission. Two key dates for regular general elections are specified in the Constitution and can only be changed with a referendum: the issue of the writs and election day. A referendum on the electoral structure would provide an opportunity for these dates to be changed as well.

RECOMMENDATION 7: That, as part of the new process considering changes to the electoral structure, consideration also be given to changing the Constitutional provisions specifying the dates for the issue of the writs and election day at general elections. This consideration should factor in current pressures on the timeline and any additional pressures that would come from a new electoral structure.

2.4.2 Conduct a referendum

If the independent process recommends changes to the electoral structure, a referendum would be required to change the Constitution.⁵⁹ Legislation requires the referendum to be conducted by in-person voting (with other options such as postal voting available, as in a state election).⁶⁰ It also requires a pamphlet to be distributed to all electors before the referendum day.⁶¹

⁵⁵ Issue of the writs: *Electoral Act 2002* (Vic) s 61(1)(a) with *Constitution Act 1975* (Vic) s 38(1); election day: *Constitution Act 1975* (Vic) s 38A(1).

⁵⁶ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 13–19.

⁵⁷ Victorian Electoral Commission, *Submission 16*, *passim*.

⁵⁸ *Constitution Act 1975* (Vic) s 18(1B).

⁵⁹ *Constitution Act 1975* (Vic) s 27(1) with s 18(1B).

⁶⁰ *Electoral Act 2002* (Vic) s 177B with s 87(4). Anthony van der Craats (*Submission 33a*, p. 2) recommended allowing voting online. However, there would be a number of logistical difficulties with that—see, for example, Vanessa Teague, ‘Australia doesn’t have online voting for federal elections and we should keep it that way’, *The Conversation*, 27 April 2022, <<https://theconversation.com/australia-doesnt-have-online-voting-for-federal-elections-and-we-should-keep-it-that-way-180865>> accessed 15 October 2025.

⁶¹ *Electoral Act 2002* (Vic) s 177C(2).

A number of submitters advocated for a referendum to be held together with the 2026 state election. However, it would not be possible for the process set out in Section 2.4.1 to be completed in time for the 2026 election. There would also be logistical issues for the VEC organising a referendum without more warning than could be provided at this stage.⁶²

With these considerations in mind, two dates were identified by stakeholders which could be suitable for a referendum:

- at the same time as the local council elections in 2028
- at the same time as the state election in 2030.

Conducting the referendum at the same time as either of these events would enable significant cost savings.

Local council elections are conducted by post. Running the referendum at the same time would allow the VEC to send the referendum pamphlets to voters together with the local council ballot papers. The Electoral Commissioner explained:

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.⁶³

There would also be potential savings in advertising, as the same advertisements could mention both the local council elections and the referendum. If a referendum in 2028 is successful, the changes to the Upper House could come into effect at the 2030 state election.

However, there is also a risk of voter confusion with this approach.⁶⁴ While votes for local council elections are cast by mail, the referendum would be conducted in person. Voters may expect that they can vote in person for the local council elections when they vote for the referendum or they may expect their referendum ballot paper to be posted to them. Either way, they may miss out on voting due to confusion.

Alternatively, conducting the referendum at the same time as a state election, which would also involve in-person voting, would reduce this possible confusion. This approach would provide major savings in terms of venue hire for voting centres. However, it would require additional resourcing, add additional complexity to running the election and put additional pressure on vote counting, where timelines are already tight.⁶⁵ In this scenario, if the referendum is successful, the changes to the Upper House would come into effect at the following election in 2034.

⁶² Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 25.

⁶³ Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 25.

⁶⁴ Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 25.

⁶⁵ Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 25.

The Committee does not have a preference in relation to these two options. The timeline is dependent on two crucial factors: reaching an agreement on a preferred structure and passing the Constitutional amendments in Parliament.

FINDING 11: If a referendum to change the electoral structure is needed, cost savings and efficiencies could be achieved by conducting the referendum together with either the 2028 local council elections or the 2030 state election.

Chapter 3

What matters in an electoral system

3.1 Introduction

The people, parties and organisations that contributed to this Inquiry provided a significant volume of information. This has helped the Committee to understand the concerns, needs and perceptions of stakeholders regarding the electoral structure and potential changes to it. This information will provide a valuable starting point for the new process recommended in Section 2.4.1 of Chapter 2.

The input to this Inquiry is discussed in two parts. This chapter outlines stakeholders' main concerns and key points of disagreement, based on their arguments in support of various electoral structures. More specific arguments relating to particular structures are set out in Chapter 4. Section 4.5 in Chapter 4 provides a summary of the key issues set out in Chapters 3 and 4 which should be considered as part of the recommended new process.

Some stakeholders provided lists of general goals and principles for electoral system design. These are discussed in Section 3.2 of this chapter.

Section 3.3 considers the arguments put forward about a statewide structure, where all members are elected from the state as a whole. People in favour of this structure argued that it would provide more diversity in who is elected than structures which divide the state into regions. It would also provide for a closer match between people's first-preference votes and who is elected. On the other hand, a variety of concerns were raised about a statewide structure, which are discussed in the other sections.

Many people were concerned that certain areas of the Victoria, especially regional areas, would be under-represented with a statewide structure. They believed that dividing the state into regions would ensure that all areas were represented. This is explored in Section 3.4.

There was a range of different opinions about the ideal quota for election (the minimum number of votes required). Some people were in favour of a low quota to ensure the most diversity of candidates being elected and the closest fit between first-preference votes and results. Others were concerned that too low a quota could lead to parties with limited support or limited policy platforms being elected. These issues are discussed in Section 3.5.

There was disagreement about how accessible members would be under different structures and what structure would best provide for accountability to the community (see Section 3.6). The total number of members for the Upper House was also debated. While most stakeholders supported keeping the existing number of members (40), a variety of other numbers was also argued for, ranging from 25 to 55 (see Section 3.7).

A major concern for the Victorian Electoral Commission (VEC) and some other stakeholders was the potential size of ballot papers with some structures, especially a statewide structure. Concerns were raised about potential difficulties for voters completing large ballot papers and about logistical issues with printing, distributing and counting large ballot papers. Some submitters and witnesses suggested various measures to reduce the number of candidates. This approach is used in some other states with statewide structures. These matters are considered in Section 3.8.

Much of the debate in this chapter is focussed on the differences between a statewide structure and structures with regions. Section 3.9 summarises the arguments in favour of each approach made by stakeholders, the concerns stakeholders expressed and various suggested ways that these might be mitigated.

Overall, there was a diversity of views expressed on all of the issues examined in this chapter. There is no element where there was a general agreement between political parties, experts and members of the community.

The Committee notes that some stakeholders called for the Upper House to be entirely eliminated.¹ One person argued that, 'It is completely unnecessary and provides no real vetting of legislation.'² The Committee does not share this view but considers that the Upper House plays an important role within the Parliament as a house of review that can provide valuable input into legislation and can hold governments to account.

3.2 What matters in an electoral system

Participants in this Inquiry expressed a variety of views about what should be considered when selecting an electoral system for the Upper House. Several stakeholders explicitly set out high-level goals or principles. Other stakeholders indicated what they valued through their arguments for or against different options.

¹ Michael Blair, *Submission 35*, p. 1; Jameson Dalton, *Submission 43*, p. 1; comments on the online form.

² Comments on the online form.

3.2.1 Explicit goals and principles for electoral systems

Several stakeholders set out lists of the goals and principles that they believed should be used in electoral system design. For example, Dr Jim Murphy and Dr Rob Hoffman outlined a series of eight goals for an electoral system in their submission to the Inquiry.³ At a public hearing, Dr Murphy summarised this into four major goals which need to be balanced:

- simplicity for the voter
- proportionality (the distribution of seats reflecting the distribution of votes)
- accountability for individual representatives, parties and governments
- durability (the government being able to serve its functions for a full term).⁴

Other stakeholders providing detailed lists included Chris Curtis, Ben Messenger, the Victorian Trades Hall Council and the Labor Party.⁵

An important consideration for a number of stakeholders was that the Upper House can fulfil its role as a house of review. It was argued that the Upper House could be most effective in this role if it is not dominated by the government nor entirely obstructive towards the government.⁶ It was also argued that having a different electoral system from the Lower House would help to elect different people representing different interests, which would assist the Upper House with being a house of review.⁷

It was suggested that the Upper House system could be used to balance some of the limitations of the Lower House electoral system. For example, Drs Murphy and Hoffman argued:

What is the Assembly's [Lower House's] electoral system good at? Stability of government, geographic representation and accountability of individual members to their electorate. These therefore needn't necessarily be core goals for the Legislative Council [Upper House].

What is the Assembly's system poor at? Accountability of government, and representation of minority interests in a diverse electorate. These are natural fits for the Legislative Council's role as a house of review, and should be a core emphasis of any reforms to its electoral system.⁸

³ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 2.

⁴ Dr Jim Murphy, Lecturer, School of Social and Political Sciences, University of Melbourne, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 13.

⁵ Chris Curtis, *Submission 46*, pp. 3–4; Ben Messenger, *Submission 55*, pp. 1–2; Australian Labor Party – Victorian Branch, *Submission 51*, p. 1; Victorian Trades Hall Council, *Submission 60*, p. 4; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 41.

⁶ Ben Raue, *Submission 25*, p. 8; FamilyVoice Australia, *Submission 34*, p. 2; Ben Messenger, *Submission 55*, p. 2; Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 10. See also Perrin Rennie, *Submission 7*, p. 1.

⁷ FamilyVoice Australia, *Submission 34*, pp. 2–3; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 42; James Mason, *Submission 38*, p. 1.

⁸ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 2. See also Dr Jim Murphy, Lecturer, School of Social and Political Sciences, University of Melbourne, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 13.

Drs Murphy and Hoffman noted that sometimes the various goals for an electoral system may be in tension with each other. The process of selecting an electoral structure is therefore about balancing multiple goals:

Some of these goals are complementary – achieving one gets a system closer to achieving others. But some stand in tension: a system that is, for example, excellent in terms of ... sensitivity to majority sentiment, may potentially only do so at the expense of giving fair representation to minorities, while pursuing stability of government may diminish democratic accountability and parliamentary oversight. Any reform therefore involves making at least some trade-offs between these goals. This means that *balance* should be the primary goal that the Committee needs to have in mind.⁹

The Committee has found this very much to be the case. While many stakeholders have expressed similar values and goals, they often disagreed about which goals were most important. The ultimate decision about which electoral structure to choose for Victoria will come down to which of several competing factors are considered most important.

3.2.2 Issues of debate

Much of the debate and disagreement between stakeholders in this Inquiry came down to six major issues, which are discussed in the following sections:

- the value of increased diversity and proportionality in electoral results (Section 3.3)
- the importance of ensuring that all parts of Victoria have dedicated representatives (Section 3.4)
- what the ideal quota for election is (Section 3.5)
- which structure would provide the best accessibility to members and accountability for their performance (Section 3.6)
- what the total number of members for the Upper House should be (Section 3.7)
- what effect different structures will have on the numbers of candidates and ballot paper sizes (Section 3.8).

Disagreements about which electoral structure would be best often resulted from different views on these issues. In particular, people who considered increased diversity and proportionality to be particularly important generally favoured a statewide structure, while people who considered it more important to ensure that all parts of Victoria have dedicated representatives tended to favour a structure with regions.

In some cases, people disagreed about the best way to achieve a goal. For example, many people were concerned about the possibility of there being so many candidates on ballot papers that voting and logistics would become difficult. However, there was disagreement about whether dividing the state into regions or various administrative measures would be the best way to prevent this problem.

⁹ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 2. See also Dr Jim Murphy, Lecturer, School of Social and Political Sciences, University of Melbourne, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 13.

There was also a variety of views about how best to measure the appropriateness of an electoral system. In previous inquiries, stakeholders have noted the Gallagher Index (also known as the Least Squares Index), which compares the proportion of votes to the number of seats that parties receive.¹⁰ The Loosemore-Hanby Index can also be used to make similar assessments. Some analysis comparing first-preference votes and members elected is included in Section 3.3.2.

The ‘effective number of parties’ (which can be measured using a formula developed by Laakso and Taagepera) was noted.¹¹ The number of ‘trailing wins’ (where candidates with lower shares of first-preference votes are elected ahead of candidates with higher shares of first-preference votes) has also been used to analyse results under different systems.¹² In addition, the rates of ‘wasted’ or ‘exhausted’ votes (that are not counted towards any candidates that are elected) can be considered (see discussion in Section 3.3.2). The geographic representation ratio (comparing the proportion of members from an area to the proportion of the voters from that area) can also be used to evaluate an electoral system (see Section 3.4.3).

The Committee does not believe that any one measure should be used to assess an electoral system, but considering all of these measures can be helpful. Each looks at different aspects of the electoral system and provides different insights.

3.3 A statewide structure: increased diversity, increased proportionality and a low quota

In considering electoral structures, it is important to note three aspects of proportional representation (the system used to count the votes) which are interconnected:

- the size of the electorate (which may be the state as a whole or smaller regions)
- the number of vacancies in each electorate (the number of people elected at each election)
- the quota for election (the minimum number of votes required).

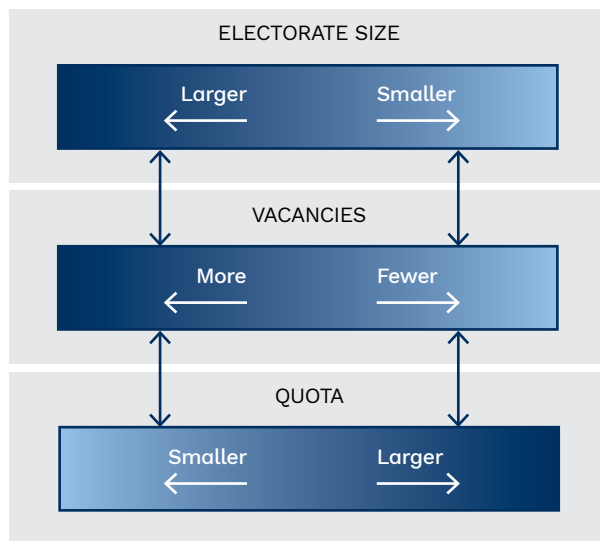
Changing any one of these factors will impact the others (see Figure 3.1). Larger electorates have more vacancies, which require smaller quotas. Smaller electorates will have fewer vacancies and larger quotas.

¹⁰ See, for example, Ben Raue, *Submission 39*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2022 Victorian state election, p. 10.

¹¹ Ben Raue, *Submission 25*, p. 4; Ben Messenger, *Submission 55*, p. 2.

¹² See, for example, Antony Green, *Submission 103*, submission to the Parliament of Victoria, Electoral Matters Committee, Inquiry into the conduct of the 2018 Victorian state election, pp. 9, 13–18.

Figure 3.1 The relationship between electorate size, the number of vacancies and the quota



Source: Electoral Matters Committee.

A statewide structure, where all members are elected from the state as a whole, would have the most vacancies and the smallest quotas. For some stakeholders, this was a key advantage of a statewide structure. It would enable the most diversity in who is elected and would provide results that most closely match voters' first preferences.

3.3.1 Diversity in who is elected

Having a more proportional upper house elected statewide, I think gives a whole range of different minorities an opportunity to get representation, not just geographically concentrated minorities like in the regions but people who suffer from other minority status and are flooded out by the Assembly.

Dr Jim Murphy, Lecturer, School of Social and Political Sciences, University of Melbourne, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 15.

The low quota in a statewide structure would make it easier for parties with smaller levels of support across the state to be elected than a structure with regions. This can be seen through the examples in Box 3.1.

This would facilitate more diversity of voices in the Parliament, which many stakeholders considered to be a benefit. Alex van der End from Family First explained:

The high quotas required under the existing eight-region model mean that a party like ours enjoys meaningful support across the state but has no chance of winning a seat unless it concentrates all efforts onto one region and competes against the major parties and party machines. Family First therefore supports a move to a single statewide electorate for Victoria's Legislative Council [Upper House]. This structure would lower ... the quota significantly, allowing smaller parties with real community-based support to gain representation, not through deals or manipulation but through the genuine support of voters. We believe in proportional representation, not in theory but in

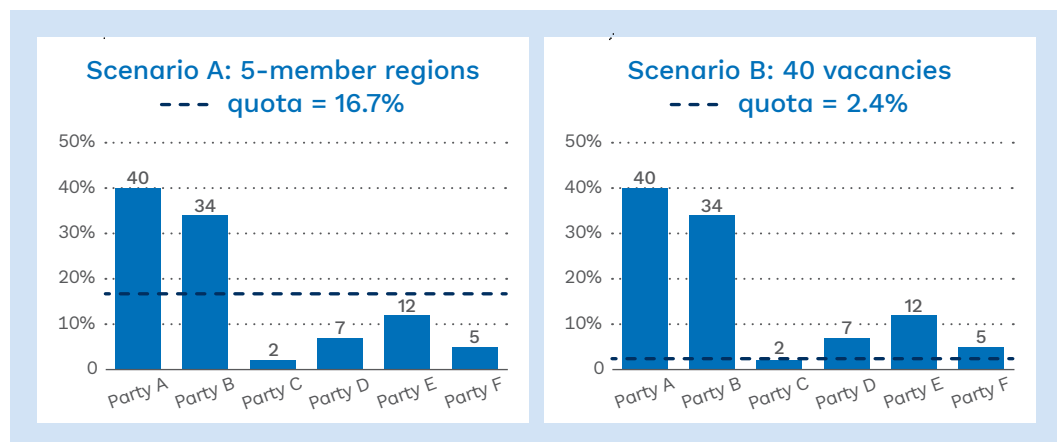
practice. A healthy democracy reflects the full spectrum of public opinion, not just those parties with money or the machinery to dominate the individual regions.¹³

This diversity in who is elected would also make it more difficult for a government to dominate the Upper House. Some stakeholders considered that this would assist the Upper House with its role as a house of review.¹⁴ In addition, it would make it less likely that any one party would hold the balance of power and become a ‘kingmaker’.¹⁵

Box 3.1 The effects of lower quotas

The simplified example below illustrates how changing the quota can affect who is elected.

In Scenario A, the state is divided into 8 five-member regions. Voters vote exactly the same way in each region. In Scenario B, voters elect 40 members from the state as a whole.



In Scenario A, Parties A and B are guaranteed 2 seats each in each region. The fifth seat would most likely go to either Party A or E, depending on the flow of preferences. Party E is not guaranteed a seat. Parties A and B may end up with the same number of seats, despite Party A receiving significantly more votes.

If the same results were achieved across eight regions, you would most likely end up with Party A holding 16-24 seats (40-60% of the total) and Party B holding 16 seats (40% of the seats). Whether any other parties are elected would be determined by preference flows and none would be guaranteed.

In Scenario B, candidates from Parties A, B, D, E and F would be guaranteed to have some candidates elected. Party A would probably have 16-17 elected members (40-42.5% of the total) and Party B would probably have 13-14 (32.5-35%).

¹³ Alex van der End, Family First Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 24.

¹⁴ Perrin Rennie, *Submission 7*, p. 2; Liam Morris, *Submission 52*, p. 5.

¹⁵ Liam Morris, *Submission 52*, p. 4.

Stakeholders supporting a statewide structure also considered that it would provide voters with more choice in terms of what interests are represented in the Parliament. A structure with regions favours the representation of geographic interests. In contrast, a statewide structure would make it easy for voters to elect people based on either geographic or non-geographic interests. For example, people may vote for candidates that represent particular demographics or particular policy issues that are important to people across the state. At the same time, voters would still be able to vote for geographic interests if those are considered more important.

As Ben Raue explained, looking at elections in other jurisdictions:

communities which strongly value local representation are well represented, and places where that is not such a strong concern don't get the same representation. When geography is one possible option for voters to prioritise, it can be highly valued, or ranked below other priorities such as ideology, gender, age or background.¹⁶

A statewide structure would mean that people could vote for the candidates or parties that best represented their interests, no matter where those candidates lived. In contrast, in a structure with regions, voters are restricted to the candidates in one region. Regions were seen as disadvantaging voters who are grouped together with other voters that do not share their interests.¹⁷ Regions also advantage smaller parties which can concentrate their vote in one region over smaller parties with broad support across the state.¹⁸

3.3.2 A closer match between first-preference votes and results

If a party wins 10 per cent of the vote, it should receive 10 per cent of the seats (four seats out of 40). If a party wins 2.5 per cent of the vote, it should receive 2.5 per cent of the seats (one seat).

Sustainable Australia Party, *Submission 61*, p. 3.

In general, with a larger the number of vacancies and a lower quota, there will be less difference between the proportion of first-preference votes that a party gets and the proportion of seats it has in the chamber. This can also be seen in the scenarios discussed in Box 3.1.

A statewide structure would provide the closest match between first-preference votes and results. Dr Jim Murphy and Dr Rob Hoffman argued that, 'This is desirable because it would increase the intelligibility of results for the electorate. One of the features harming the legitimacy of ... [current Upper House] elections is just how unfathomable and unpredictable preference distributions are.'¹⁹

¹⁶ Ben Raue, *Submission 25*, p. 5.

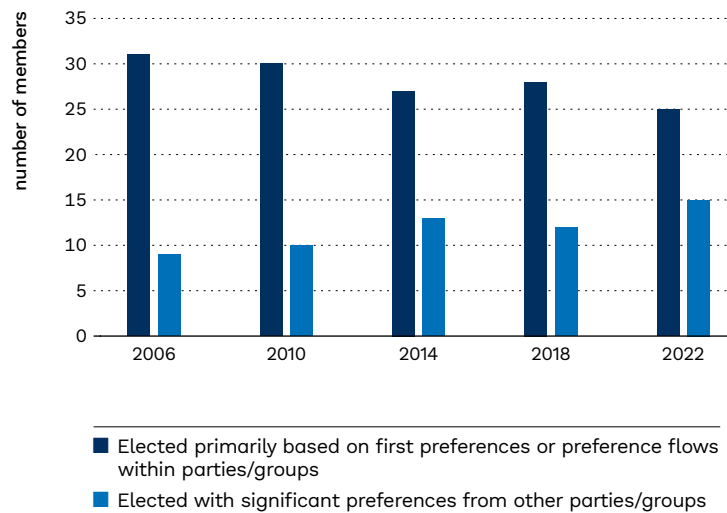
¹⁷ Animal Justice Party, *Submission 15*, p. 2; Liam Morris, *Submission 52*, p. 5.

¹⁸ Carlo Toncich, *Submission 59*, p. 2.

¹⁹ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 5.

Connected to this, preference flows between parties²⁰ would play a much smaller role in determining who is elected. Under the current system, preferences passing from one party to another play a major role in determining who is elected. This has become increasingly the case over the years as the major parties' share of first-preference votes has declined (see Figure 3.2). At the 2022 election, 15 of the 40 members (37.5%) relied on preference flows from other parties to be elected.

Figure 3.2 The role of preferences between parties in electing members



Note: For the purpose of this analysis, a candidate is considered to be elected primarily on first-preference votes if more than 95% of their quota came from first-preference votes or preference flows within their party/group.

Source: Electoral Matters Committee based on VEC data.

In contrast, preference flows play a much smaller role in states with a large number of members elected on a statewide basis. In the 2025 Western Australian election, 34 of the 37 members were elected based on first-preference votes or flows within parties. Eight parties had representatives elected—seven of these were the seven parties with the highest number of first-preference votes. All seven of those parties achieved at least one quota without any preference flows. Only one member was elected from a party that had fewer first-preference votes than another party/group. Table 3.1 illustrates Western Australia's 2025 results.

²⁰ Preferences determine how votes are passed from one party to another both when successful candidates receive more votes than the quota and when unsuccessful candidates are excluded.

Table 3.1 Results of the Western Australia Upper House election, 2025

Party/group	First-preference votes	Quotas achieved with first-preference votes	Members elected
WA Labor	635,537	15.54	16
Liberal Party	422,655	10.33	10
The Greens (WA)	170,052	4.16	4
The Nationals WA	84,203	2.06	2
One Nation	59,296	1.45	2
Legalise Cannabis Party WA	44,754	1.09	1
Australian Christians	41,348	1.01	1
Independent – MOERMOND, Sophia	20,795	0.51	0
Animal Justice Party	18,803	0.46	1
Sustainable Australia Party – Anti-corruption	16,732	0.41	0
Stop Pedophiles! Protect kiddies!	14,552	0.36	0
SFFPWA	13,010	0.32	0
Libertarian	9,912	0.24	0
Ungrouped	2,458	0.06	0

Source: Electoral Matters Committee calculations based on data from the Western Australian Electoral Commission.

Similar results have been seen in New South Wales. At each of the last four elections, 16 or 17 of the 21 members have been elected based primarily on first-preference votes or preference flows within parties.

Preference flows between parties have been a major source of concern with the current Victorian system, in part because of group voting tickets. In particular, people have expressed concern about candidates with small numbers of first-preference votes gathering votes from multiple sources through preference deals, enabling them to be elected, while candidates with much higher numbers of first-preference votes are not elected.²¹

Another advantage of a statewide structure is that fewer votes would ‘exhaust’.²² A vote exhausts when it is due to be transferred to another candidate but cannot be transferred because either:

- none of the candidates/parties that a voter has given preferences to is still in the count or
- the vote has reached the last of its preferences.

²¹ See, for example, Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 53–4.

²² Chris Curtis, *Submission 46*, p. 4.

As a result, the vote ends up either not counting towards any candidates or only partly counting towards candidates.²³ Several submitters considered that minimising the number of votes that exhaust is an important goal for a voting system.²⁴

Under the current system in Victoria, group voting tickets mean that few votes exhaust. However, much higher numbers would exhaust if group voting tickets were removed and a system were introduced similar to the Commonwealth Senate, as proposed by the Committee (see Section 1.2). At the 2025 Commonwealth election, 3.7% of votes in the states exhausted at full value and 9.4% at part value. Something similar would be likely in Victoria if the current structure were maintained and group voting tickets were eliminated.

However, exhaustion rates are much lower when there are lower quotas, as preferences are less important. In the 2025 Western Australian election, for example, with 37 vacancies and a quota of 2.6%, only 3.8% of votes exhausted. Similarly, in New South Wales, with 21 vacancies and a quota of 4.5%, between 5.6 and 7.8% of ballot papers have exhausted over the last four elections.

FINDING 12: Stakeholders advocating for members to be elected from the state as a whole argued that it would enable more diversity in the Upper House and provide results that more closely match people's first-preference votes, with preference flows between parties playing a smaller role. It would also lead to fewer votes exhausting than other structures.

3.3.3 Concerns about a statewide structure

Multiple participants in this Inquiry raised concerns about a statewide structure. These are discussed in the following sections. They included:

- some areas of the state (particularly regional areas) might not be represented by any members in the Upper House (see Section 3.4)
- the low quota could lead to the election of parties with limited support or few policies (see Section 3.5)
- elected members may be less accountable and less accessible to people in some parts of the state (see Section 3.6)
- there may be too many candidates on the ballot papers, making it hard for people to vote, leading to excessively large ballot papers and creating logistical issues for the VEC (see Section 3.8).

²³ Votes can exhaust at full value when all preferred candidates/parties have been excluded or elected prior to the vote passing to them, or at part value when the votes are transferred as surplus votes because the preferred candidates have received more than a quota of votes.

²⁴ Chris Curtis, *Submission 46*, pp. 14–15; Victorian Trades Hall Council, *Submission 46*, p. 5; Danea Bolser, Victoria Trades Hall Council, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 58; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 8.

Concerns were also raised about vote counting with a statewide structure. Conducting a recount of Upper House votes would be more time consuming with a statewide structure than it would be with regions, where only one region may need to be recounted. The VEC expressed concern that a recount with a statewide structure would not be possible within the current legislated election timeframes.²⁵ It would also be harder to audit the results to ensure that votes were being correctly digitised and counted.²⁶

3.4 Regions: ensuring that all parts of Victoria are represented

Several arguments were put forward in favour of dividing the state into regions rather than electing members from the state as a whole. One common argument was that dividing the state into regions was necessary to ensure that all areas of the state have representation in the Upper House. This section explores that argument. Another common argument was that the quota would be too low with a statewide structure. This is discussed in Section 3.5.

3.4.1 Arguments for regions as a way to ensure geographic representation

Having a system with regions balances proportionality with geographic diversity.

Thomas Killip, *Submission 24*, p. 3.

Multiple stakeholders considered that regions are essential to ensure that communities from across the state are represented in the Upper House. For example, the Liberal Party argued:

Having a statewide model will lead to an erosion of local voices and regional disenfranchisement. This would see a diminution of regional representation which would be very detrimental to regional Victorians and regional communities.²⁷

Some stakeholders were particularly concerned that Melbourne would dominate regional areas in a statewide structure.²⁸ The Institute of Public Affairs argued that a statewide structure would incentivise candidates to appeal to voters in the largest population areas, so they would focus on Melbourne when campaigning. In contrast, with a division into smaller regions, members would be better able to represent local issues as they would have less pressure to focus on the parts of the state where the most votes are and to follow party policy.²⁹

²⁵ Victorian Electoral Commission, *Submission 16*, p. 6.

²⁶ Dr Michelle Blom et al., *Submission 6*, p. 3.

²⁷ Liberal Party of Australia (Victorian Division), *Submission 28*, p. 7.

²⁸ The Nationals Victoria, *Submission 30*, p. 3; Lyndel Feery, State Director, Victoria, National Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 35; Mia Schlicht, Research Fellow, Institute of Public Affairs, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 50.

²⁹ Institute of Public Affairs, *Submission 57*, p. 3 and Attachment 'Towards representation and accountability: How to reform Victoria's upper house', pp. 3–4.

The Victorian Trades Hall Council was similarly concerned that a statewide structure may mean that campaigns focus less on connecting with specific geographic communities.³⁰ It was also suggested that the media may pay less attention to local issues during election campaigns in a statewide structure, reducing the level of debate on local issues.³¹

Some stakeholders emphasised that different regional areas have distinct requirements and industries that need to be advocated for. To achieve this, it was argued that regional Victoria should be divided into multiple regions and not treated as one.³² The Nationals argued that the current structure has successfully provided regional representation and ‘we have not seen evidence that voters in regional areas are dissatisfied with their level of representation.’³³

Thomas Killip argued that having members from different parts of the state in the Upper House meant that a party could represent areas that are safe seats held by other parties in the Lower House.³⁴

As discussed in Section 3.3.1, a statewide structure would make it easier for non-geographic interests to be represented. However, Morgan Begg from the Institute of Public Affairs argued that non-geographic interests could be represented ‘through public advocacy and through the regular campaigning work that civil society and non-government organisations undertake’ and that the electoral structure should focus on members representing people defined by geography.³⁵

3.4.2 Arguments against regions as a way to ensure geographic representation

Geographically concentrated minorities are no more worthy of democratic representation than dispersed minorities. Indeed, we would suggest the latter may be even more vulnerable, and even more in need of legislative defence, given the effective representation of the former through the Legislative Assembly [Lower House].

Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 6.

³⁰ Victorian Trades Hall Council, *Submission 60*, pp. 6–7.

³¹ Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 37.

³² Regional Cities Victoria, *Submission 3*, p. 1; Lyndel Feery, State Director, Victoria, National Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 37.

³³ The Nationals Victoria, *Submission 30*, p. 3.

³⁴ Thomas Killip, *Submission 24*, pp. 3–4. See also Giuseppe Garra, *Submission 27*, p. 1.

³⁵ Morgan Begg, Director, Research, Institute of Public Affairs, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 49.

Multiple people argued that it was unnecessary for the Upper House to ensure that different geographic areas are represented, as the Lower House provides this through its 88 districts. It was argued that it would be better for the Upper House to represent non-geographic interests to ensure that a variety of perspectives (both geographic and non-geographic) is taken into account by the Parliament as a whole.³⁶

Some stakeholders also suggested that Victoria is a highly interconnected state with many shared concerns, which may not be reflected by division into regions.³⁷ A statewide structure was seen as a way to encourage a statewide perspective in members:

Abolishing regions will mean Upper House MPs [Members of Parliament] are responsible for making decisions for the collective benefit of the state, not an electorate and not a specified region. Election to the Upper House will not be based on election promises to a particular region / electorate which may not be fulfilled.³⁸

Some participants considered that the existing Upper House regions are too large to reflect meaningful communities of interest anyway. Some regions mix together quite diverse communities, such as outer suburbs of Melbourne and remote rural towns or inner city and outer suburban parts of Melbourne. It was also suggested that the regional boundaries are arbitrary rather than meaningful for representing interests.³⁹

On the other hand, it was argued that regions including both rural and metropolitan areas are appropriate. The lives of many Victorians include both urban and rural aspects. It was therefore suggested that Members of Parliament who engage with both experiences may be better representatives.⁴⁰

Some people doubted that a statewide structure would necessarily lead to regional areas being under-represented. Regional areas would still be able to achieve representation in a statewide structure if they wanted to by voting for candidates who campaign on representing a particular area.⁴¹ With approximately 25% of Victorians living in regional Victoria, regional Victorians would have a significant influence on who is elected in a statewide structure.

³⁶ Daniel Berk, *Submission 9*, p. 1; Fulin Yan, *Submission 14*, p. 1; Animal Justice Party Victoria, *Submission 15*, p. 4; Andre Medina, *Submission 19*, p. 2; Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 2; Legalise Cannabis Party, *Submission 53*, p. 2; Steve Staikos, Victorian State Secretary, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 34.

³⁷ Animal Justice Party, *Submission 15*, p. 2.

³⁸ Meaghan Capell, *Submission 20*, p. 7. See also Fulin Yan, *Submission 14*, p. 1.

³⁹ Maxim Payne, *Submission 4*, p. 1; Animal Justice Party, *Submission 15*, p. 2; Michael Tandora, *Submission 22*, p. 1; Ben Raue, *Submission 25*, p. 5; Dr Charles Richardson, *Submission 31*, pp. 4, 6; Chris Curtis, *Submission 46*, p. 5; Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 6; Legalise Cannabis Party, *Submission 53*, p. 2; Institute of Public Affairs, *Submission 57*, pp. 2–3 and Attachment 'Towards representation and accountability: How to reform Victoria's upper house', p. 3; Ben Schultz, State Manager, and Austin Cram, State Secretary, Animal Justice Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 24, 30; Mia Schlicht, Research Fellow, Institute of Public Affairs, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 46; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 9.

⁴⁰ Daniel Berk, *Submission 9*, pp. 1–2.

⁴¹ Chris Curtis, *Submission 46*, pp. 5, 16; Legalise Cannabis Party, *Submission 53*, p. 2; Dr Rob Hoffman, Lecturer, Department of Humanities and Social Sciences, Swinburne University of Technology, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 15; Austin Cram, State Secretary, Animal Justice Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 32; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 5.

In addition, it was argued that dividing the state into regions is not the only way to ensure that regional areas are represented. Other mechanisms could be put into place in a statewide structure. In particular, preselection processes by parties could ensure that candidates from different parts of the state are on ballot papers. The Committee was told that this has been the practice for some parties in New South Wales⁴² and Western Australia.⁴³ Systems could also be established for regional voices to be considered by the Upper House, such as regional consultation groups, advisory panels and co-design processes.⁴⁴

The printing of candidates' suburbs or localities on ballot papers (which is already a requirement for Victoria's Upper House) could encourage parties to preselect candidates from across the state and assist voters with choosing local representatives if they wish.⁴⁵

Given these various arguments, the Committee looked for data on how electoral structures affect whether members are elected from all parts of a jurisdiction.

FINDING 13: Some stakeholders argued that dividing the state into regions is necessary to ensure that Melbourne does not dominate the Upper House and that the different parts of Victoria are appropriately represented.

FINDING 14: Other stakeholders argued that regional representation could be achieved within a statewide structure. Voters from regional Victoria would have sufficient numbers to elect regional candidates if they wished. Party preselections are also used in some other jurisdictions to ensure a mix of candidates from different parts of the state, facilitating the representation of different areas in the parliament.

3.4.3 Data about geographic representation

Ben Raue conducted some research looking at members of the New South Wales Parliament in 2022. Rather than finding that regional areas lacked representation, he found that they were actually over-represented, with around 33% of seats, compared to approximately 23% of the population. He also found that central, eastern and southern Sydney were over-represented. However, the outer suburbs of western Sydney were under-represented, along with the Hunter and Illawarra areas.⁴⁶

⁴² Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 8–9. See also Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 43.

⁴³ Peter Rundle MLA, Deputy Leader, the Nationals WA, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 32.

⁴⁴ Animal Justice Party, *Submission 15*, pp. 2, 6; Uniting Church in Australia, *Submission 18*, p. 2; Ben Schultz, State Manager, Animal Justice Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 32.

⁴⁵ Chris Curtis, *Submission 46a*, p. 3; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 5.

⁴⁶ Ben Raue, *The tally room: local representation in the NSW upper house*, 2023, <<https://www.tallyroom.com.au/50892>> accessed 4 July 2025. For this analysis, Mr Raue used the number of Lower House seats as a proxy for population.

Mr Raue noted research on Israel and the Netherlands, which elect members from the country as a whole. This research showed a similar pattern, with the central metropolitan area and peripheral areas of the country tending to be well represented, while areas adjacent to the central metropolitan areas tend to be under-represented.⁴⁷

Mr Raue told the Committee:

largely the evidence is that when you have electoral systems that have no geographical boundaries – I have looked at other people’s work in Israel and the Netherlands, but I have also done my own research in New South Wales and Western Australia – areas that have a strong political identity and that want local representation get quite well represented – if anything, over-represented.

Regional New South Wales is very well represented in their upper house, even though there are no electorates. In Western Australia regional WA is over-represented in the upper house ... Then you also tend to have a lot of MLCs [Members of the Legislative Council] who live walking distance from Parliament House, very close to the centre of the city, and you do not have that many, usually, in the outer suburbs.⁴⁸

Martin Shield from the Australian Greens drew on Mr Raue’s research and argued that regions would reduce the likelihood of some areas being under-represented:

We also think that some regional structure should remain. In New South Wales, for example, there is not a regional structure, and the analysis I have seen of that is that you just end up without MPs in the western suburbs and also in less socio-economically advantaged areas of the regions as well.⁴⁹

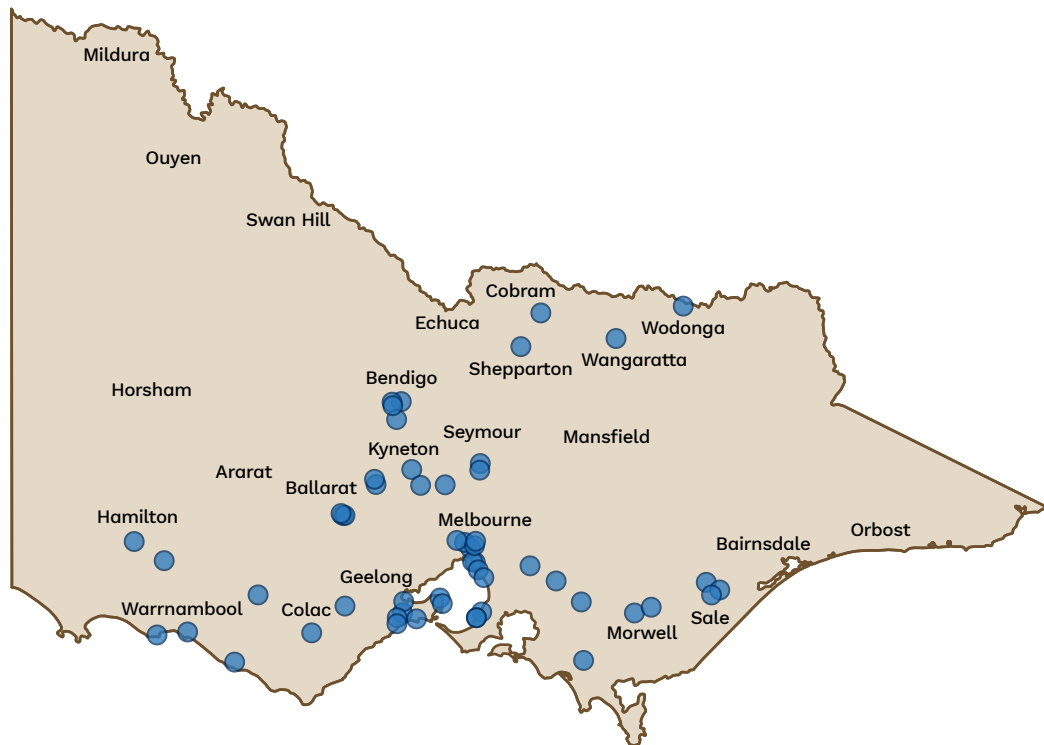
The Committee conducted its own analysis of geographic representation with Victoria’s current structure to understand how effective regions are at ensuring all areas are represented. This is based on the suburb or locality of members’ enrolled addresses at the time of the election, which is printed on Upper House ballot papers. Figure 3.3 shows the suburbs/localities of members elected to the non-metropolitan regions and Figure 3.4 shows members elected to the metropolitan regions.

⁴⁷ Michael Latner and Anthony McGann, ‘Geographical representation under proportional representation: The cases of Israel and the Netherlands’, *Electoral Studies*, vol. 24, 2005, pp. 709–34; Ben Raue, *Submission 25*, p. 5.

⁴⁸ Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 6–7.

⁴⁹ Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 19. See also Jonathan Meddings, *Submission 12*, p. 1.

Figure 3.3 Enrolled addresses of members elected to non-metropolitan regions in Victoria, 2006–2022

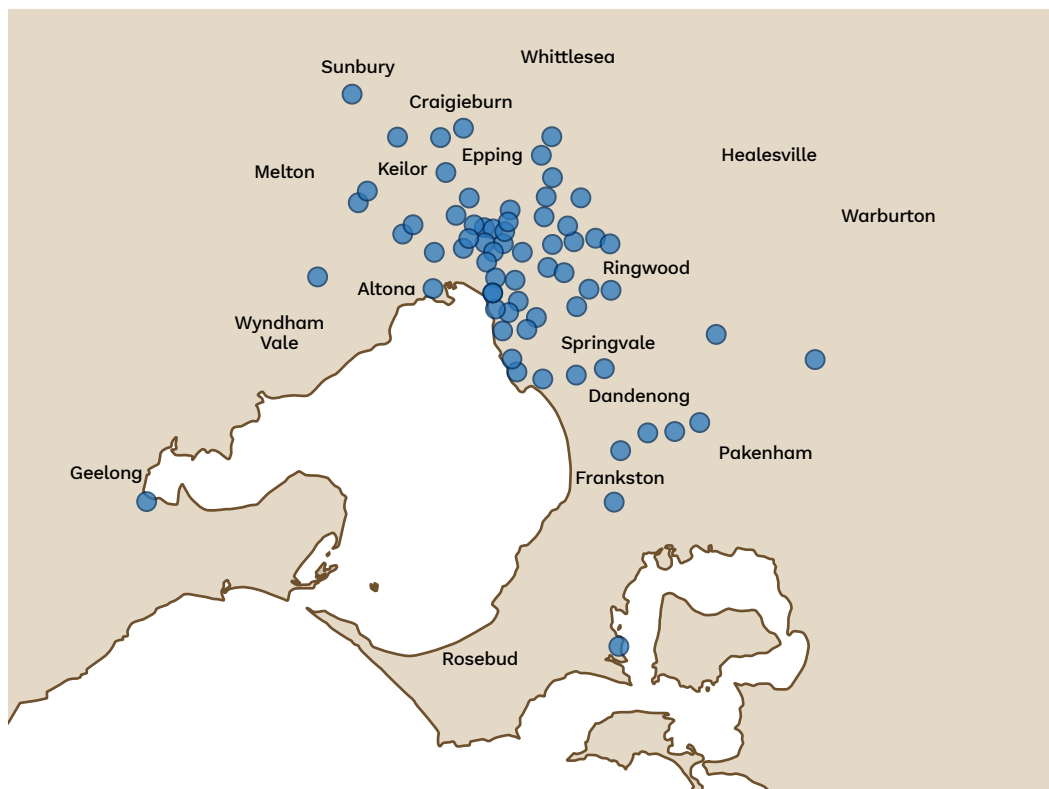


Source: Electoral Matters Committee based on data on ballot papers.

Figure 3.3 shows that members are elected from many parts of regional Victoria. However, not one member has been elected from the Wimmera, Mallee or many of the Murray communities since this structure was introduced in 2006. In addition, 14.7% of the members elected to non-metropolitan regions lived within Melbourne, despite the division into regions.⁵⁰

⁵⁰ Committee calculations. For the sake of this calculation, each member at each election is treated separately and members elected multiple times are counted multiple times.

Figure 3.4 Enrolled addresses of members elected to metropolitan regions in Victoria, 2006–2022



Source: Electoral Matters Committee based on data on ballot papers.

The pattern for metropolitan regions (Figure 3.4) is similar to what Ben Raue observed for Sydney. Many members live in the inner suburbs of Melbourne, while addresses in the outer suburbs are much less common. The Wyndham area (outer western suburbs) has produced only one member from the five elections since 2006, despite a population of 337,009.⁵¹

This analysis indicates that the current structure does provide a spread of members throughout Victoria. However, a disproportionately large number of members live in inner Melbourne, including some members representing the non-metropolitan regions. Fewer members live in Melbourne's outer suburbs and no members have been elected from certain regional areas.

This pattern is relatively similar to what has been observed by Mr Raue in New South Wales with a statewide structure.

⁵¹ Estimated 2024 population—idcommunity, *City of Wyndham: community profile*, <<https://profile.id.com.au/wyndham/population-estimate>> accessed 7 July 2025.

FINDING 15: An analysis of the 2022 election results in New South Wales showed that regional areas were not disadvantaged by its statewide structure in terms of being able to elect members from regional areas. In fact, regional areas were over-represented, as was inner Sydney. In contrast, the outer suburbs of Sydney, the Hunter area and the Illawarra area were under-represented. Similar results have been found in analyses of Israel and the Netherlands, which elect their members from the country as a whole.

FINDING 16: An analysis of members elected to Victoria’s Upper House, under the current structure with regions, shows that a disproportionate number of members living in inner Melbourne have been elected, while fewer members living in the outer suburbs have been elected. Members for non-metropolitan regions come from a variety of parts of the state, although no members have been elected from the Wimmera, Mallee or most Murray communities. In addition, 14.7% of the members elected in non-metropolitan regions lived in Melbourne at the time of their election.

3.5 The ideal quota

Quotas need to strike a careful balance. Lower quotas make for more proportionate results, however excessive proportionality can result in extreme fragmentation of the party system and a level of disproportionality in legislative weight for parties with marginal public support.

Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 3.

The ‘quota’ in proportional representation is the number of votes required to gain a seat. It is determined by the number of vacancies in an electorate—the larger the number of vacancies, the smaller the quota becomes as a percentage of the votes (see Table 3.2).

Table 3.2 Quotas for different numbers of vacancies

Number of vacancies	Quota
5	16.7%
6	14.3%
7	12.5%
10	9.1%
20	4.8%
40	2.4%

Source: Electoral Matters Committee.

There was a significant level of disagreement between stakeholders in this Inquiry about what the ideal quota is.

There was also disagreement about what the total number of members for the Upper House should be (see Section 3.7). Changing the total number of members would also affect the quota.

3.5.1 Low quotas with statewide structures

As discussed in Section 3.3, the low quota in a statewide structure was considered a positive aspect by some people because it would provide a greater diversity of members and would mean that election results most closely resemble first-preference votes. Preferences between parties/groups would play a smaller role in determining who is elected and fewer votes would exhaust.

On the other hand, multiple stakeholders were concerned that a 2.4% quota (which would apply if 40 members were elected from the state as a whole) would make it too easy to be elected. Dr Kevin Bonham argued that, with a quota of 2.4%, you may get parties elected from 1–1.5% of the first-preference votes (plus preferences from other parties).⁵² Stakeholders expressed concern that this would result in parties with low levels of support, single-issue parties, parties with ‘cute’ or deceptive names, extremist parties and parties with few policies being elected. For example, the Liberal Party argued that ‘the tiny quota of 2.4% to be elected is likely to result in a proliferation of single-issue candidates which erodes public confidence.’⁵³ Another stakeholder argued that it would be ‘too easy for extremists, celebrities and stooges to get elected.’⁵⁴

Multiple submitters also feared that a statewide structure with a low quota would result in an increase in the number of parties running and being elected. For example, the VEC stated that, ‘The lower quota of 2.4% may also encourage a larger number of parties and candidates to contest elections as it would become easier to be elected on first preference votes.’⁵⁵ A large number of parties would increase the size of ballot papers, making voting and administration harder (see Section 3.8).

Some stakeholders were concerned that having too many parties elected would make it difficult for the Upper House to function. For example, Stuart Smith from the Liberal Party was concerned that a low quota could lead to ‘such a proliferation of so many parties that legislating would become difficult and legislation would stall.’⁵⁶

⁵² Dr Kevin Bonham, *Submission 26*, p. 4; Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 17. See also Stephen Luntz, *Submission 21*, p. 1; Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 19; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 36.

⁵³ Liberal Party of Australia (Victorian Division), *Submission 28*, p. 11.

⁵⁴ Comments on the online form.

⁵⁵ Victorian Electoral Commission, *Submission 16*, p. 6.

⁵⁶ Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 38. See also Jordan Clarke, *Submission 47*, p. 1; Ben Messenger, *Submission 55*, p. 3; Victorian Trades Hall Council, *Submission 60*, pp. 6, 8; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 6.

However, it was also suggested that having a large number of parties in the Upper House was less of a concern than it would be for a lower house where government is formed.⁵⁷

Craig Ellis from Legalise Cannabis Australia noted that this party proliferation had not occurred in Western Australia when it moved to electing 37 members from the state as a whole.⁵⁸ It has also not occurred in New South Wales, where 21 members are elected from a statewide structure. There have been 22 groups on ballot papers at each of the last two elections in New South Wales. This is no larger than it has been in Victoria at the last two elections (between 18 and 24 per region). Part of the reason for this, however, is that measures have been put in place to reduce the number of groups and candidates. This is discussed further in Section 3.8.

In Victoria, it has been rare for parties other than the Liberals, Nationals, Greens and Labor to achieve more than 2.4% of the statewide vote under the current system. Three other parties achieved this in 2022 and four in 2018. No party other than the four largest parties has achieved 4.8% of the first-preference vote (which would be the quota if half of the members were elected at each election—see Section 3.5.2). Given this, it was argued that these quotas would be unlikely to be low enough to encourage more parties to run.⁵⁹ In fact, it was suggested that the shift to a statewide structure may have the opposite effect, encouraging smaller parties to merge in order to achieve quotas more easily.⁶⁰ Removing group voting tickets would also provide an incentive for smaller parties to merge.

Several other concerns were also raised about the effects of a low quota, including:

- more members being elected once without being re-elected and more changes in what parties are elected from one election to the next, leading to less continuity in the Parliament⁶¹
- more members being elected who quit their party after the election⁶²
- donkey votes having a larger impact on results.⁶³

FINDING 17: A low quota was seen as a positive for some stakeholders, as it enables more diversity in who is elected and means that results will more closely match first-preference votes. Other stakeholders raised multiple concerns about low quotas. These included that parties may be elected with low levels of support or limited policies and that there could be a proliferation of parties.

⁵⁷ Ben Raue, *Submission 25*, p. 7; Liam Morris, *Submission 52*, p. 4.

⁵⁸ Craig Ellis, National Secretary, Legalise Cannabis Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 26.

⁵⁹ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 3.

⁶⁰ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, pp. 3–4.

⁶¹ Liberal Party of Australia (Victorian Division), *Submission 28*, p. 9; Victorian Trades Hall Council, *Submission 60*, p. 6; Stuart Smith, State Liberal Director, Victorian Division, Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 34.

⁶² Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 17.

⁶³ Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 19–20.

3.5.2 Increasing the quota by increasing the length of parliamentary terms

One way to increase the quota while still maintaining a statewide structure is to lengthen parliamentary terms. For example, Upper House members could be elected for two terms (eight years in Victoria) and only half of the members elected at each election. New South Wales, South Australia and the Commonwealth take this approach for their upper houses.

If the current number of 40 Upper House members is retained, this would mean that 20 members would be elected at each election and the quota would be 4.8%.⁶⁴

A 4.8% quota was considered by a number of participants as an appropriate compromise—it would allow parties with a decent level of support to be elected and provide opportunities for new parties, without allowing the election of parties with minimal public support. Dr Jim Murphy also noted that, even though the quota as a percentage is lower than models with regions, the actual number of votes needed to reach the quota would be higher.⁶⁵

Another key advantage of this approach is that it would reduce the number of vacancies, potentially reducing the number of candidates and making ballot papers smaller (see Section 3.8).

Multiple stakeholders argued that there would be benefits to the eight-year terms provided by this structure. Eight-year terms would give members more time to gain experience, prove their capabilities and legislate. It was also argued that changing half of the members at each election would provide more stability and consistency in the Parliament and encourage longer-term thinking in members. With eight-year terms, the composition of the Upper House would be less susceptible to swings resulting from short-term issues.

On the other hand, many stakeholders considered that eight-year terms would be too long. They argued that eight-year terms would lead to a delay between changes in voters' preferences and changes in the Parliament. In contrast, four-year terms were considered better to reflect Victorians' current views and values.

It was also argued that it would be harder to hold members to account with eight-year terms. A member that was underperforming or performing differently to how voters

⁶⁴ However, it may work differently for the first election and in the event of a double dissolution (if provisions allow for that)—Victorian Electoral Commission, *Submission 16*, p. 11; Dr Kevin Bonham, *Submission 26*, p. 5; Legalise Cannabis Party, *Submission 53*, p. 3.

⁶⁵ Dr Jim Murphy, Lecturer, School of Social and Political Sciences, University of Melbourne, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 14. See also Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 3.

expected may not come up for election for a considerable length of time. However, Drs Murphy and Hoffman argued:

we need to consider the fact that very few people think of the legislature—and particularly the Upper House—in terms of individual representatives. Overwhelmingly they vote in terms of parties. This means that the performance of members will be attributed to the party, which is still subject to democratic accountability every four years.⁶⁶

Several stakeholders expressed concerns about elected member leaving their party or be expelled by their party. With eight-year terms, the party could be under-represented when this happened for up to eight years.⁶⁷ This risk could be mitigated with legislation. In New Zealand, for example, a member loses their seat if they resign from their party or if the party considers that the member is no longer representing them.⁶⁸ Similar legislation could be considered for Victoria if eight-year terms were introduced.

FINDING 18: Extending Upper House members' terms in office to eight years and electing half of the members at each election was seen as a way to increase the quota while maintaining a statewide electoral structure. Some stakeholders considered that this would also provide advantages such as more stability and consistency in electoral results, while others were worried that eight-year terms would be too long and would lead to a delay between changes in voters' preferences and changes in the Parliament.

3.5.3 Higher quotas

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 [Upper House] a little more manageable.

Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 16.

A significant number of submitters believed that the quota for election should be higher than the 2.4 or 4.8% that would come with a statewide structure. This was one reason for preferring that Victoria be divided into regions. Multiple different arrangements were supported (see Chapter 4), with a consequent variety of different quotas.

⁶⁶ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 8.

⁶⁷ Maxim Payne, *Submission 4*, p. 2; Ben Raue, *Submission 25*, p. 8; Dr Kevin Bonham, *Submission 26*, pp. 4–5; Liberal Party of Australia (Victorian Division), *Submission 28*, p. 12; Philip Lillingston, *Submission 45*, p. 2; Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 8; Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 7; Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 19–20.

⁶⁸ *Electoral Act 1993* (New Zealand) s 55A.

The Greens, for example, argued that a quota around 8% was ideal to ensure that the parties elected have genuine community support:

There is a balancing act here. The current quota of 16 per cent is quite high. We think that you could go as far as halving that and get a more proportionate outcome, but as has been pointed out in submissions from people like Stephen Luntz and Trades Hall, when you get too small a quota you actually come back to some of the issues that GVTs [group voting tickets] present, with a cute name winning a seat and people being able to get 2 to 3 per cent of the vote without actually having any kind of genuine level of community support.

We did take a look at past proportional elections in Australia in a range of places to look at what share of quota results in what chance of winning ... with about half a quota you have got a reasonable chance of election. If we think that a vote of 3 to 4 per cent represents genuine community support, then you really need a quota of around the 8 per cent level to see those people with genuine community support being elected.⁶⁹

Similarly, Jordan Clarke argued for a quota of 8.3%, arguing that this ‘would be attainable for minor parties upon the distribution of preferences, while also inhibiting the political fragmentation produced by larger regions featuring smaller Droop quotas’.⁷⁰

Many stakeholders supported higher quotas because they were concerned about the effects of smaller quotas, such as parties being elected with limited support, a proliferation of parties, excessively large ballot papers and a lack of continuity in the Upper House. For example, the Liberal Party supported the existing structure, with quotas of 16.7%. When asked what a fair quota would be, Stuart Smith from the Liberal Party stated:

I cannot offer up a particular number; I have not given enough thought to it. But obviously our concern would be that if it were too low, you would have such a proliferation of so many parties that legislating would become difficult and legislation would stall. That obviously would not be in the public interest, and so for that reason we do not think that the quota should be so low that it would cause legislative difficulty. It needs to be at an acceptable level that would allow some diversity but at the same time ensure that the business of government – any government; it does not matter who is the government of the day – and the business of the people can continue.⁷¹

Some stakeholders considered ensuring that different parts of the state are represented to be a key goal. They argued that the state should therefore be divided into regions. The quota flowed from that and was not necessarily a major consideration. By default, these people supported a variety of quotas (mostly ranging between the example structures proposed by the Committee, 9.1–16.7%).

⁶⁹ Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 19.

⁷⁰ Jordan Clarke, *Submission 47*, p. 2.

⁷¹ Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 38.

In terms of electoral outcomes, Ben Raue argued that there would be relatively little difference between these higher quotas. For him, the key question was just whether to go for a higher or lower quota:

I think probably the choice is primarily between leaving it alone, because ultimately, with going to a model like seven by seven, eight by four or 10 by four – one of those ones – it would be a lot of effort to have a referendum for not a lot of change and not a lot of progress.⁷²

Other benefits and disadvantages of different divisions into regions are discussed in Chapter 4.

3.6 Accessibility and accountability of members

The current structure provides accountability, balance and accessibility to local MPs. It guarantees regional representation and maintains clear links between members of the Legislative Council [Upper House] and the communities they serve, which we believe is practical and proven to work.

Lyndel Feery, State Director, Victoria, National Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 35.

Some participants in this Inquiry were concerned that accessibility and accountability would be diminished with a statewide structure, especially for regional voters. Others argued that a statewide structure would make it easier to contact a wider range of members and that it would introduce a different sort of accountability.

3.6.1 Accessibility

Multiple stakeholders believed that regions make it easier for voters to interact with their elected members. It was argued that, with regions, voters can identify which members represent their area when they need to raise a concern with them. It was also argued that regions push members to engage with specific communities and to locate electorate offices throughout the state.⁷³ In contrast, it was suggested that, 'Voters may feel disconnected from elected officials who are not tied to a specific geographic area.'⁷⁴

Some submitters were concerned that, with a statewide structure, Upper House members may tend to have offices in inner Melbourne. People living in regional Victoria or outer suburbs may not have easy access to an Upper House member.⁷⁵ For example, in South Australia and New South Wales, which have no regions, Upper House

⁷² Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 7. See also Ben Raue, *Submission 25*, p. 6.

⁷³ Dr Zareh Ghazarian and Associate Professor Narelle Miragliotta, *Submission 10*, p. 1; Institute of Public Affairs, *Submission 57*, Attachment 'Towards representation and accountability: How to reform Victoria's upper house', p. 5.

⁷⁴ Jonathan Meddings, *Submission 12*, p. 1.

⁷⁵ Dr Zareh Ghazarian and Associate Professor Narelle Miragliotta, *Submission 10*, p. 1; Liberal Party of Australia (Victorian Division), *Submission 28*, p. 11.

members are only provided with offices at Parliament House in the capital city and not in other areas of the state.

Peter Rundle MLA (from the Western Australian Parliament) expressed concern that, with no regions, Upper House members would not have any ‘moral obligation’ to cover any particular outlying community.⁷⁶ He also noted that, with regions, there are dedicated Upper House members to draw on if a Lower House member is unable to attend a local event. However, he was concerned that this may be more difficult if Upper House members are not tied to particular areas.⁷⁷

On the other hand, it was argued that voters would have more choice of members to contact with a statewide structure. They could approach any member from the whole Upper House, selecting whoever they considered best for representing their issue. Although voters can already do this if they wish, it was argued that voters are more likely to restrict themselves to the members in their region in a structure divided into regions.⁷⁸

Stakeholders suggested that administrative processes could be put in place to assist with regional accessibility in a statewide structure. One participant proposed mandating the locations of electorate offices to ensure a spread across the state.⁷⁹ Others suggested that parties could assign members to different areas of the state.⁸⁰ Following Western Australia’s change to a statewide structure, the government assigned ministers to specific regional areas.

One submitter suggested that there was no need for Upper House members to have offices throughout the state as they could engage with local constituents using electronic means or council facilities.⁸¹

FINDING 19: Some stakeholders feared that, with a statewide structure, some parts of the state may have limited access to Upper House members and some areas may not have any members who engage with the community. Other people argued that processes could be put in place to ensure that people had access to a member and that a statewide structure would encourage people to contact any member from across the state.

⁷⁶ Peter Rundle MLA, Deputy Leader, the Nationals WA, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 33.

⁷⁷ Peter Rundle MLA, Deputy Leader, the Nationals WA, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 32.

⁷⁸ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 7; Liam Morris, *Submission 52*, p. 5; Liam Morris, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 2, 4.

⁷⁹ Chris Curtis, *Submission 46a*, p. 3; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 5.

⁸⁰ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 7; Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 8.

⁸¹ Meaghan Capell, *Submission 20*, p. 16. Underlying this idea, Ms Capell believed that Upper House members would not deal with local issues in a statewide structure.

3.6.2 Accountability

Although existing regions are very large, and do not always constitute coherent communities with shared interests, they do provide a framework of localised responsibility for members of the Upper House.

Victorian Trades Hall Council, *Submission 60*, p. 7.

Some stakeholders considered that dividing the state into regions assisted communities to hold elected members accountable for their performance. It was argued that each region can vote on candidates and parties based on whether they have represented that region effectively. Voters can easily identify which members are supposed to represent their region and can hold them to account at an election.⁸²

The Nationals told the Committee that this was important for regional voters:

Regional MPs are easily accessible to their communities, and voters know who represents them. Unlike a statewide model, where voters must choose from a long list of candidates, this system ensures direct local engagement. We believe regional voters are benefitted when their representatives are accountable and are designated to a particular region.⁸³

Regional Cities Victoria similarly noted that dividing the state into regions ‘guarantees a level of accountability to regional Victorian electors.’⁸⁴

Some stakeholders questioned the extent to which this happens in practice. The Uniting Church noted the challenges for voters in holding members to account in general and was not convinced that it would be any harder with a statewide structure than with regions.⁸⁵ Drs Murphy and Hoffman noted research from Commonwealth elections that most voters’ decisions are determined by policy issues and parties as a whole rather than local members.⁸⁶ This suggests that accountability to the electorate for local issues is not always important to many voters.

Some stakeholders argued that a statewide structure would introduce a different kind of accountability, rather than less accountability. Drs Murphy and Hoffman argued that:

[the] abolition of regions would allow for clearer articulation of approval or disapproval of party performance; voters would not be artificially divided up into regions, shielding members from chunks of the electorate’s wrath—in that sense, abolition of regions increases accountability for parties.⁸⁷

⁸² Regional Cities Victoria, *Submission 3*, p. 1; Name withheld, *Submission 42*, p. 1; Dr Zareh Ghazarian and Associate Professor Narelle Miragliotta, *Submission 10*, p. 1; Institute of Public Affairs, *Submission 57*, Attachment ‘Towards representation and accountability: How to reform Victoria’s upper house’, p. 6; Lyndel Feery, State Director, Victoria, National Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 35.

⁸³ The Nationals Victoria, *Submission 30*, p. 3.

⁸⁴ Regional Cities Victoria, *Submission 3*, p. 1.

⁸⁵ Uniting Church in Australia, *Submission 18*, p. 2.

⁸⁶ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, pp. 7–8.

⁸⁷ Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, pp. 7–8.

The Victorian Trades Hall Council similarly noted that ‘Minor parties will more likely be accountable to the groups that elected them, as opposed to a geographical region.’⁸⁸ First-preference votes would also play a larger role in determining who is elected with a statewide structure (see Section 3.3.2), and this may make it easier to hold members to account.⁸⁹

In addition, transparency measures could be introduced to make it easier for voters to hold members accountable with a statewide structure. The Animal Justice Party suggested measures such as public reporting on members’ activities and engagement with the community.⁹⁰

FINDING 20: There were mixed views about how accountability would work with a statewide structure. Some people believed that it would be harder to hold individual members accountable and it would be difficult to know who to hold accountable if an area was not represented adequately. Alternatively, it was argued that there would be a different sort of accountability with a statewide structure, where parties and members are accountable to the whole state or to the groups that elected them rather than geographic areas.

3.7 The total number of members

The size of the Legislative Council [Upper House] should reflect a balance between providing adequate representation and maintaining legislative efficiency.

Fulin Yan, *Submission 14*, p. 1.

There are currently 40 members of the Upper House. Stakeholders expressed a variety of views about whether that number should be increased, decreased or kept the same. Although outside the terms of reference for this Inquiry, some submitters also called for the number of members in the Lower House to be changed.⁹¹

Several submitters suggested that having approximately half as many members in the Upper House as in the Lower House was an appropriate ratio.⁹²

Multiple people advocated for an odd number of members in total to prevent ties. Some also advocated for an odd number of members in each region (if there are regions) to ensure that a majority of votes is reflected as a majority of members, deadlocks are avoided and smaller parties can more easily gain seats.⁹³

⁸⁸ Victorian Trades Hall Council, *Submission 60*, p. 5.

⁸⁹ Philip Lillingston, *Submission 45*, p. 2.

⁹⁰ Animal Justice Party, *Submission 15*, p. 6.

⁹¹ Travis Jordan, *Submission 17*, pp. 2, 15; Michael Tandora, *Submission 22*, p. 1; Anthony van der Craats, *Submission 33*, p. 1.

⁹² Perrin Rennie, *Submission 7*, p. 1; Daniel Berk, *Submission 9*, p. 2; Fulin Yan, *Submission 14*, p. 1; Philip Lillingston, *Submission 45*, p. 1; Jordan Clarke, *Submission 47*, p. 2.

⁹³ See, for example, Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 17.

Travis Jordan called for an increase in the number of Upper House members from 40 to 55 and in the number of Lower House members from 88 to 121. He noted that the last increase to the number of members of the Victorian Parliament was in 1983 and that the Victorian population has nearly doubled since then.⁹⁴ He argued that, as a result:

More voters per district means more work for politicians—as the number of constituent issues they need to respond to grows.

It means more money in politics—as traditional canvassing becomes infeasible and gets replaced with campaigns focusing on media buys.

It means less trust in our democratic institutions—as the average vote’s “value” drops and people have less faith in their vote’s capacity to make a difference.⁹⁵

Without an increase, he argued that more of the work of members is passed to staff, requiring bigger budgets, and that members have less time to connect with voters.⁹⁶

Maintaining the same number of Upper House members while Victoria’s population grows may also increasingly disadvantage minor parties and new community groups. As the population grows, more resources are needed to reach the increasing number of voters required for an electoral quota.⁹⁷

The Uniting Church considered that an increase in the number of members would help the Upper House to fulfil its role as a house of review.⁹⁸ Others argued that any reduction in the number of members would make it harder for the Upper House to fulfil its functions.⁹⁹

The Liberal Party opposed any increase in the number of members due to the increased cost.¹⁰⁰

Multiple submitters supported the current number of 40 members. One argued that 40 ‘is sufficient to represent the state’s population while allowing for a robust and efficient legislative process.’¹⁰¹

There was a considerable degree of support in submissions and online comments for Example Structure 4, with 49 members (see Section 4.2.2 in Chapter 4).

⁹⁴ Travis Jordan, *Submission 17*, pp. 2–3, 15. See also Stephen Luntz, *Submission 21*, p. 2; Proportional Representation Society of Australia Inc., *Submission 23*, p. 1; Australian Liberal Party–Victorian Branch, *Submission 51*, p. 3.

⁹⁵ Travis Jordan, *Submission 17*, p. 4. See also Travis Jordan, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 12.

⁹⁶ Travis Jordan, *Submission 17*, p. 9.

⁹⁷ Perrin Rennie, *Submission 7*, p. 1; Proportional Representation Society of Australia Inc., *Submission 23*, p. 1.

⁹⁸ Uniting Church in Australia, *Submission 18*, p. 2.

⁹⁹ Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 42.

¹⁰⁰ Liberal Party of Australia (Victorian Division), *Submission 28*, p. 9.

¹⁰¹ Ian Ajzenszmidt, *Submission 8*, p. 1.

Alternatively, a variety of other numbers was suggested: 25,¹⁰² 35,¹⁰³ 37,¹⁰⁴ 38,¹⁰⁵ 39,¹⁰⁶ 41,¹⁰⁷ 42,¹⁰⁸ 44,¹⁰⁹ 45,¹¹⁰ 48,¹¹¹ 50,¹¹² 51¹¹³ and 55.¹¹⁴

The Committee notes the wide variety of opinions about how many members there should be.

The number of members for the Victorian Parliament is currently set in the Constitution and can only be changed by a referendum.¹¹⁵ Noting the expected continuing increase in Victoria's population, Mr Jordan called for a change to the Constitution to allow the Parliament to increase the number of members without a referendum but to require a referendum to reduce the number. This would facilitate the Parliament increasing as the population grows without regular referendums.¹¹⁶

FINDING 21: Stakeholders disagreed about the most appropriate number of members for the Upper House, with suggestions ranging from 25 to 55. People arguing for an increase from the current 40 believed that more members would make it easier for members to fulfil their roles. People arguing against an increase were concerned about the financial impacts. Some people wanted to have an odd number of members to prevent possible deadlocks in the Parliament.

3.8 The number of candidates and ballot paper size

Multiple people expressed concern to the Committee that some structures (especially statewide structures) would lead to large numbers of candidates, resulting in impractically large ballot papers. However, there are various measures that could be implemented to reduce the risk of excessive numbers of parties, groups or candidates.

¹⁰² Barry Cox, *Submission 44*, p. 1.

¹⁰³ Anthony van der Craats, *Submission 33*, p. 1 (one of several options).

¹⁰⁴ Malcolm Mackerras, *Submission 11b*, p. 2; Malcolm Mackerras, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 1.

¹⁰⁵ Comments on the online form.

¹⁰⁶ Michael Tandora, *Submission 22*, p. 1; Dr Charles Richardson, *Submission 31*, p. 6; Chris Curtis, *Submission 46*, p. 3; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 6; comments on the online form.

¹⁰⁷ Con Farrugia, *Submission 5*, p. 1.

¹⁰⁸ Anthony van der Craats, *Submission 33*, p. 1 (one of several options); FamilyVoice Australia, *Submission 34*, p. 5.

¹⁰⁹ Dr Kevin Bonham, *Submission 26*, p. 2; Adrian Schonfelder, *Submission 39*, p. 1; Jordan Clarke, *Submission 47*, p. 2; Institute of Public Affairs, *Submission 57*, p. 3 and Attachment 'Towards representation and accountability: How to reform Victoria's upper house', p. 6.

¹¹⁰ Perrin Rennie, *Submission 7*, p. 1; Anthony van der Craats, *Submission 33*, p. 1 (one of several options); Philip Lillingston, *Submission 45*, p. 1; comments on the online form.

¹¹¹ Comments on the online form.

¹¹² Comments on the online form.

¹¹³ Meaghan Capell, *Submission 20*, p. 5; Greg Cheesman, *Submission 49*, p. 6.

¹¹⁴ Travis Jordan, *Submission 17*, p. 15.

¹¹⁵ *Constitution Act 1975* (Vic) ss 26(2) and 35(1) with ss 18(1B)(b) and 18(1B)(d).

¹¹⁶ Travis Jordan, *Submission 17*, p. 11; Travis Jordan, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, pp. 10–11.

3.8.1 Problems with large ballot papers

Stakeholders identified a variety of problems that could come from large ballot papers with large numbers of candidates. These include problems for voters filling out ballot papers, problems with vote exhaustion and logistical problems for the VEC.

For voters, it may be harder to accurately fill out ballot papers with large numbers of candidates (especially with the ‘double-decker’ layout used if there are 20 or more parties/groups).¹¹⁷ It may also be harder for voters to make informed choices. Chris Curtis argued:

Most voters will probably not want to research more than two or three [candidates] and will simply be guided by their party’s preference recommendations. The evidence for this is the proportion of voters who follow party how-to-vote cards. A conscientious voter may research a dozen or even two dozen candidates. An exceptionally conscientious voter might research 100. No one is going to research 500.¹¹⁸

Larger ballot papers could mean that the order of candidates on the ballot paper may have a larger impact on the results. With more parties, it may be more difficult to find parties. Parties with similar names to a voter’s intended party may have an advantage if they appear earlier on the ballot paper.¹¹⁹ This problem has already been noted with ballot papers under the current system.¹²⁰

If, as proposed by the Committee, group voting tickets are eliminated and voters are not required to number all squares, a larger number of candidates will also lead to more votes exhausting (that is, not counting towards any candidates or only partially counting towards candidates).¹²¹

In addition, there may be logistical issues running voting centres and printing, distributing and counting larger ballot papers.¹²² The VEC noted that more resources and more time would be needed to run elections (although there would also be some efficiencies):

Voting could also take longer for each voter given the larger ballot paper, possibly impacting queue times. To manage wait times, this would require resourcing larger

¹¹⁷ Victorian Electoral Commission, *Submission 16*, pp. 6, 9; Thomas Killip, *Submission 24*, p. 4; Jordan Clarke, *Submission 47*, p. 1; Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 4; Victorian Trades Hall Council, *Submission 60*, pp. 7–8; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 36–7; Wilhelmina Stracke, Assistant Secretary, Victorian Trades Hall Council, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 54; Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 22.

¹¹⁸ Chris Curtis, *Submission 46*, p. 6. See also Victorian Trades Hall Council, *Submission 60*, p. 8.

¹¹⁹ Stephen Luntz, *Submission 21*, pp. 1–2; Dr Kevin Bonham, *Submission 26*, p. 4; Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 17.

¹²⁰ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victoria state election*, vol. 2, July 2024, p. 245.

¹²¹ Chris Curtis, *Submission 46*, p. 14.

¹²² Victorian Electoral Commission, *Submission 16*, pp. 6–7, 9–10; Jordan Clarke, *Submission 47*, p. 1; Liam Morris, *Submission 52*, p. 7; Stuart Smith, State Director, Victorian Division, Liberal Party of Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, pp. 36–7; Travis Jordan, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 13; Sven Bluemmel, Electoral Commissioner, and Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 22.

election venues to facilitate more issuing points and cardboard voting booths, adding cost to the election. In particular, below-the-line voting would take significantly longer than in the current system.

Data entry, formality checking, batch audits and reconciliation of ballot papers would require more resources and staffing to respond to a significantly higher number of groups and candidates on each ballot paper. It would be more complex to reconcile ballot papers and identify the source of minor discrepancies within the current timeframes. Critically, counting Legislative Council [Upper House] ballot papers would take significantly longer due to unfolding of larger ballot papers and data entry of significantly higher numbers of candidates on each ballot paper.

...

Greater resources and costs would be incurred in designing, printing, storing, posting and transporting physically large ballot papers. However, it is likely that there would be considerably less logistical pressure in sorting, distribution and collection processes given the same Legislative Council ballot paper would be used across the State. The process of issuing ballot papers would be more streamlined under this structure as there is no chance of distributing incorrect region ballot papers to voting centres or voters, however the large size of ballot papers would slow down the printing and distribution processes.¹²³

The VEC produced several sample ballot papers to illustrate the possible impact of different structures. The worst-case scenario that the VEC modelled was a statewide structure with 40 members, with 28 parties/groups nominating 40 candidates each, plus 40 ungrouped candidates (a total of 1,160 candidates). This would result in a ballot paper 57.5 cm wide and 186.5 cm long (see Figure 3.5).

¹²³ Victorian Electoral Commission, *Submission 16*, pp. 6–7.

Figure 3.5 Possible ballot paper with a statewide structure and 1,160 candidates



Source: Victorian Electoral Commission, *Submission 16*, p. 23.

The VEC's Director, Event Strategy and Delivery, elaborated on the logistics associated with a 1.9-metre ballot paper:

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 ... 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.¹²⁴

While noting that the scenario noted by the VEC is technically possible, the Committee considers it very unlikely. It includes 1,160 candidates, although the largest number of candidates for the Upper House since the current structure was introduced has been 454. The VEC has assumed that every party/group would run 40 candidates. This has not been a regular occurrence in elections in New South Wales and did not occur in the 2025 Western Australia election (see Section 3.8.2).

3.8.2 Data about candidate numbers and ballot paper size

When Western Australia moved to a statewide structure with the 2025 election, it did not see the increased numbers of candidates and excessively large ballot papers that people have been concerned about. The total number of Upper House candidates decreased, from 302 and 325 at the two elections before the change to 146 with a statewide structure.

The number of candidates on the ballot paper did increase (as all candidates were on the one ballot paper rather than spread across the six ballot papers for the six regions). However, the number of parties/groups decreased, from an average of 19.6 per ballot paper at the two elections before the change to 13 at the 2025 election. Only one party nominated a number of candidates equal to the number of vacancies (37).

¹²⁴ Ben Sutherland, Director, Event Strategy and Delivery, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 22.

As a result, the 2025 ballot paper in Western Australia was only 297 x 666 mm.

In New South Wales, with a statewide structure and 21 vacancies at each election, the number of parties/groups on the ballot paper has varied between 15 and 26 since group voting tickets were eliminated (starting from the 2003 election). The number of candidates has ranged from 284–394. However, one reason for the high number of candidates is that parties/groups need to nominate at least 15 candidates to be eligible for a square above the line (Western Australia, in contrast, requires only five).¹²⁵

Table 3.3 compares the last two elections in Victoria with the last two elections in New South Wales and the 2025 Western Australia election. The data do not suggest that these statewide structures encourage more candidates or parties/groups than Victoria’s current structure. However, this may be partially a result of different rules for nomination and completing ballot papers (see Section 3.8.3).

Table 3.3 Candidates and groups for upper house elections, comparison between Victoria, New South Wales and Western Australia

	Victoria 2018	Victoria 2022	NSW 2019	NSW 2023	WA 2025
Structure	Regions	Regions	Statewide	Statewide	Statewide
Number of vacancies	40	40	21	21	37
Total number of candidates	380	454	346	290	146
Number of parties/ groups per ballot paper	18–19 per region	22–24 per region	22	22	13
Minimum number of candidates required in a group for an above-the-line square	2	2	15	15	5

Source: Electoral Matters Committee.

3.8.3 Measures to reduce ballot paper size

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.

Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 15.

Multiple submitters noted that electoral rules can be used to limit the number of candidates and parties/groups on the ballot paper. These include rules to make it more difficult to nominate, rules about the minimum number of squares that must be completed when voting below the line and changes to ballot paper design.

¹²⁵ *Electoral Act 2017* (NSW) s 86(2).

Rules making it more difficult to nominate

Several of the requirements for nominating for Western Australia's Upper House are considerably tougher than Victoria's rules. The VEC considers that these may have contributed to the 2025 ballot paper not becoming overwhelmingly large.¹²⁶ These rules include:

- requiring 5 candidates to be eligible for a square above the line (compared to 2 in Victoria)
- a \$2,000 nomination deposit per candidate (capped at \$10,000 per party/group), which is only refundable if the candidate is elected or the party/group achieves at least 4% of the first-preference votes (compared to \$350 in Victoria)
- parties must apply for registration 12 months before the issue of the writ with at least 500 members and an application fee of \$2,000 (compared to 120 days, 500 members¹²⁷ and an application fee of 50 fee units, currently \$840.50, in Victoria)
- independent candidates require nominations from 250 electors who have not nominated any other candidates (compared to 50 electors in Victoria, who can also nominate other candidates).¹²⁸

New South Wales introduced similar reforms after the 1999 election, when 80 parties and groups nominated, leading to a very large ballot paper (approximately 100 x 70 cm).¹²⁹ These reforms included increasing the minimum number of members required to register a party, requiring the party to be registered for 12 months prior to an election, introducing an application fee for registering a party and requiring 15 candidates to be eligible for a square above the line. Group voting tickets were also eliminated at this time.¹³⁰

Table 3.4 compares the rules in Western Australia and New South Wales to Victoria.

¹²⁶ Victorian Electoral Commission, response to questions on notice received 27 May 2025, pp. 2–3.

¹²⁷ Stephen Luntz (*Submission 21*, p. 2) noted that, although the minimum of 500 members to register a party is the same in both Victoria and Western Australia, this is a more significant obstacle in Western Australia, given that its population is much smaller.

¹²⁸ *Electoral Act 1907* (WA), ss 62E(4), 62HA, 78(1)(c), 78(4), 81(2)–(3), 84(1), 94D(6)(b); *Electoral Act 2002* (Vic) ss 45(1A)–(2), 69(3)(ba), 69(4), 69A–69B.

¹²⁹ Antony Green, *New South Wales Legislative Council elections 1999*, <<https://www.parliament.nsw.gov.au/researchpapers/Documents/nsw-legislative-council-elections-1999/LC1999AntonyGreen.pdf>> accessed 11 August 2025, pp. 1, 15.

¹³⁰ Explanatory Note, *Parliamentary Electorates and Elections Amendment Bill 1999* (NSW).

Table 3.4 Nomination requirements for the Upper House in Victoria, New South Wales and Western Australia

Requirement	Victoria	New South Wales	Western Australia
Nomination deposit	\$350 per candidate	\$500 per candidate, to a maximum of \$5,000 per party/group	\$2,000 per candidate, to a maximum of \$10,000 per party/group
Minimum length of time parties must be registered before an election for full benefits	application must be made more than 120 days before the election	12 months before the election period	12 months before the issue of the writ
Minimum party membership	500	750	500
Party application fee	\$840.50	\$2,000	\$2,000
Number of nominations required for an independent candidate	50	25	250
Minimum number of candidates required in a group for an above-the-line square	2	15	5

Source: Electoral Matters Committee based on the relevant electoral acts.

Participants in this Inquiry suggested several similar administrative measures that could be introduced in Victoria to reduce the number of candidates:

- increasing nomination deposits overall¹³¹
- having a sliding scale of nomination deposits (where the more candidates a party/group runs, the more the deposit is for each additional candidate)¹³²
- increasing the share of votes required for multiple nomination deposits to be returned¹³³
- making it harder to register parties (e.g. lengthening the period of time a party must be registered for before an election or increasing the minimum number of members)¹³⁴
- regularly auditing parties¹³⁵
- increasing the number of candidates required to have a square above the line¹³⁶
- only allowing candidates to be elected if their party/group achieves more than a threshold of first-preference votes¹³⁷
- increasing the number of people required to nominate a candidate.¹³⁸

¹³¹ Anthony van der Craats, *Submission 33*, p. 3, *Submission 33a*, p. 1.

¹³² Chris Curtis, *Submission 46*, p. 10.

¹³³ Anthony van der Craats, *Submission 33*, p. 3, *Submission 33a*, p. 1; Chris Curtis, *Submission 46*, p. 10.

¹³⁴ Aaron Hewett, *Submission 1*, p. 1; Stephen Luntz, *Submission 21*, pp. 1–2; Dr Kevin Bonham, *Submission 26*, p. 4; Victorian Trades Hall Council, *Submission 60*, p. 13; Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 6; Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 15.

¹³⁵ Aaron Hewett, *Submission 1*, p. 1.

¹³⁶ Victorian Electoral Commission, *Submission 16*, pp. 7, 10. See also Dr Jim Murphy and Dr Rob Hoffman, *Submission 50*, p. 5.

¹³⁷ Michael Tandora, *Submission 22*, p. 1; Anthony van der Craats, *Submission 33*, p. 3, *Submission 33a*, p. 1.

¹³⁸ Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 6.

These sorts of rules are intended to ensure that candidates have reasonable levels of support without preventing genuine candidates from nominating. However, some stakeholders were concerned that these sorts of measures can ‘impede legitimate parties founded by people new to the system but representing genuine community interests.’¹³⁹ Meaghan Capell argued that adjusting ballot paper layout (see below) was a better option than limiting the number of parties running.¹⁴⁰

Rules about the number of squares that must be completed below the line

Ballot paper size can also be affected by how many preferences a voter is required to indicate below the line. Parties will sometimes run a number of candidates equal to the minimum number of preferences that voters are required to fill out, even though it is practically impossible for them to win that many seats.¹⁴¹

Currently, people voting below the line are required to complete five preferences, which is equal to the number of vacancies. If a statewide structure were introduced with 40 vacancies at each election, the Committee would not like to see the minimum required number of below-the-line preferences increased to 40 to match the number of vacancies,¹⁴² as this may lead to parties nominating larger numbers of candidates. It would also likely lead to higher levels of informality and would act as a disincentive to voting below the line. The Committee’s recommended approach is to maintain five as the minimum number of preferences required below the line. The Committee recognises that this may lead to higher exhaustion rates and therefore believes that this should be accompanied by encouraging voters to indicate more preferences.

If the minimum number of preferences were increased, savings provisions would be needed to mitigate the risk of increased informality.¹⁴³

Ballot paper layout

The VEC told the Committee that Western Australia’s legislation provides the electoral commission with more flexibility in designing ballot papers. In addition to not requiring ballot papers to have two rows of above-the-line squares when there are 20 or more parties/groups, the Western Australian provisions:

provide the flexibility for candidate names in a group to be printed in 2 columns under a single box when there are too many candidates to be printed in a single column. This is a significant contributor to limiting the size of ballot papers due to the space saved by moving to 2 columns for groups with high numbers of candidates. For the 2025 Western Australian State election this appears to have allowed the WAEC [Western Australian Electoral Commission] to extend the Legislative Council [Upper House] ballot paper

¹³⁹ Stephen Luntz, *Submission 21*, p. 2. See also Meaghan Capell, *Submission 20b*, pp. 59–61.

¹⁴⁰ Meaghan Capell, *Submission 20b*, pp. 59–61.

¹⁴¹ Chris Curtis, *Submission 46*, p. 10; Liam Morris, *Submission 52*, p. 7.

¹⁴² See also Legalise Cannabis Party, *Submission 53*, p. 2; Victorian Electoral Commission, *Submission 16*, p. 6.

¹⁴³ Victorian Electoral Commission, *Submission 16*, p. 6.

by the width of a single column rather than nearly doubling the height [as would be required in Victoria's current legislation] to accommodate WA Labor's 37 nominated candidates ...

More generally, the greater flexibility in Western Australia for the layout of ballot papers would allow the WAEC to make reasonable adjustments to the ballot paper layout which are responsive to the number of groups and candidates that nominate, ensuring that ballot papers are easily understood by voters and provide more efficient print production.¹⁴⁴

A number of stakeholders also suggested more radical changes to Victorian Upper House ballot papers.

Some submitters suggested removing above-the-line voting.¹⁴⁵ While this would reduce the size and complexity of the ballot papers, it would be necessary to either increase the minimum number of preferences required (which would likely increase the informality rate) or risk a larger number of votes exhausting.

Alternatively, some submitters suggested adopting a 'list proportional representation' system if a statewide model is introduced. This would involve voters simply marking one preference for a party or candidate, with no further preferences determined by either the voter or group voting tickets. In support of this approach, submitters noted that first preferences would largely determine results with a statewide structure and later preferences would have much less effect on the outcome (see Section 3.3.2). List proportional representation would reduce ballot papers size, reduce complexity, reduce informality rates and increase the speed of getting results.¹⁴⁶

On the other hand, Chris Curtis argued against a list system because it would 'take away the right of the voter to choose candidates in any order at all and compel the choice of candidates in the party's given order.'¹⁴⁷ However, Carlo Toncich argued that most voters want to vote for parties for the Upper House rather than individual candidates. He noted that most people vote above the line, parties generally do not advertise Upper House candidates and Upper House candidates are generally not well known by voters.¹⁴⁸

Although below-the-line votes do not generally change which of a party's candidates are elected, they can. In 2016, one candidate was elected over another that was

¹⁴⁴ Victorian Electoral Commission, response to questions on notice received 27 May 2025, p. 3.

¹⁴⁵ Aaron Hewett, *Submission 1*, p. 1; Meaghan Capell, *Submission 20*, p. 50; Nathan Porter, *Submission 37*, p. 1; Barry Cox, *Submission 44*, p. 1.

¹⁴⁶ Travis Jordan, *Submission 17*, p. 17; Andre Medina, *Submission 19*, p. 3; Ben Raue, *Submission 25*, pp. 12–14; Dr Charles Richardson, *Submission 31*, p. 5; Anthony van der Craats, *Submission 33a*, p. 2; Jordan Clarke, *Submission 47*, p. 2; Liam Morris, *Submission 52*, pp. 7–8.

¹⁴⁷ Chris Curtis, *Submission 46*, p. 4. See also Ben Messenger, *Submission 55*, p. 1.

¹⁴⁸ Carlo Toncich, *Submission 59*, pp. 1–2.

higher in the party's list in a Commonwealth Senate election in Tasmania due to below-the-line votes.¹⁴⁹

Phillip Lillingston suggested a compromise position. He proposed that voters be given a choice of two ballot papers at the voting centre. One ballot paper would include only parties/groups and voters would indicate their preference. The other would include all the candidates and voters could indicate their preferences for individuals (as in below-the-line voting currently). He argued that, if designed appropriately, the party/group ballot paper could be read by computers to make counting faster.¹⁵⁰ Both Phillip Lillingston and Meaghan Capell proposed ballot papers using codes to reduce their size.¹⁵¹

FINDING 22: Concerns were raised about the potential for large numbers of candidates to be on ballot papers under some structures, especially a statewide structure. It was argued that large ballot papers would make it hard for voters to make informed votes, lead to more voters making mistakes and introduce logistical challenges for the Victorian Electoral Commission. Other states have introduced various rules to reduce the number of candidates on ballot papers and Victoria may need to do something similar if a statewide structure is introduced.

3.9 Summary of arguments: comparing a statewide structure and structures with regions

This chapter has analysed stakeholders' main concerns and key points of disagreement, based on their arguments in support of various electoral structures. Much of the debate was about the benefits of a statewide structure compared to a structure with regions.

In their submissions and during the public hearings, stakeholders identified multiple advantages of both a statewide structure and dividing the state into regions. The main advantages are summarised in Table 3.5.

¹⁴⁹ Australian Electoral Commission, *Senate: first preferences by candidate*, <<https://results.aec.gov.au/20499/Website/SenateStateFirstPrefs-20499-TAS.htm>> accessed 15 October 2025; Jenna Price, 'How Lisa Singh beat Labor's machine men', *The Sydney Morning Herald*, 25 July 2016, <<https://www.smh.com.au/opinion/how-lisa-singh-beat-labors-machine-men-20160725-gqdf05.html>> accessed 15 October 2025; Liam Morris, *Submission 52*, p. 7; Dr Charles Richardson, *Submission 31*, p. 5.

¹⁵⁰ Philip Lillingston, *Submission 45*, pp. 3–4. Mr Lillingston supported voters only indicating a preference for one party/group and designed a sample ballot paper accordingly. However, the concept of two ballot papers (one for parties/groups and one for candidates) could also be used with multiple preferences for parties/groups if designed accordingly.

¹⁵¹ Philip Lillingston, *Submission 45*, p. 3; Meaghan Capell, *Submission 20b*, p. 59.

Table 3.5 Main advantages of a statewide structure and structures with regions, as identified by stakeholders

Aspect	Statewide structure	Structures with regions
Representation (Sections 3.3–3.4, 4.2.3)	- Facilitates more diversity in who is elected - Facilitates the representation of non-geographic interests (e.g. particular demographic groups or policy issues) - Provides voters with a wider range of candidates to vote for - Results in a closer match between first-preference votes and which parties are successful (preference flows between parties play a smaller role) - Every vote in Victoria carries equal weight - No changing of electoral boundaries	- Facilitates representatives from across the state being elected - Facilitates the representation of geographic interests
Candidates and parties (Section 3.3.1)	Less likely that one party will dominate the Upper House or that one party will hold the balance of power	
Accessibility and accountability (Section 3.6)	- Every member/party is accountable to the whole state - Members/parties are accountable to the interest groups that elected them	- Voters can identify members who are supposed to represent their area and hold them to account - Members have an obligation to engage with and represent the interests of specific areas of the state
Voting and electoral administration (Sections 3.3.2, 3.8, 4.2.3)	- Fewer votes exhaust - Electoral process are easier for voters to understand - Administrative efficiencies for the VEC and parties	Smaller ballot papers are easier for voters and the VEC

Source: Electoral Matters Committee.

In addition, stakeholders raised multiple concerns about both a statewide structure and structures with regions. Some people also suggested various ways that these concerns might be mitigated. The tables below summarise the concerns raised about each type of structure and the mitigating options suggested.

Table 3.6 Summary of concerns and mitigating options with a statewide structure, as identified by stakeholders

Aspect	Concerns	Mitigating options
Representation (Section 3.4)	• Non-metropolitan areas may be under-represented • Campaigning and media coverage may focus on Melbourne/statewide issues and less on local issues	• Parties could ensure candidates from different parts of the state are preselected • Regional consultation groups/advisory panels/co-design processes • Continuing to print candidates' suburbs/localities on ballot papers
Candidates and parties (Sections 3.5, 4.4)	• Low quotas make it easier for parties with low levels of support or limited policies to be elected • Higher levels of member turnover • More members quitting their party after election • Multiple parties may make it harder to pass legislation	• Extend how long members are elected for, so that only half of the members are elected at each election and the quota is higher • Members automatically lose their seat if they leave/are expelled from the party they were elected to represent • Tougher requirements for party registrations and candidate nominations • Only allow candidates to be elected if their party/group achieves more than a threshold of first-preference votes
Accessibility and accountability (Section 3.6)	• There may be no members' offices in some areas of the state • Harder to identify which members are supposed to represent an area	• Mandated spread of electorate offices • Parties assign members to specific areas • Ministers assigned to specific regional areas • Electronic engagement options • Increased reporting about members' activities and engagement with the community
Voting and electoral administration (Sections 3.3.3, 3.5.1, 3.8, 4.4)	• Donkey votes may have a larger impact on results due to low quotas • May lead to more candidates, making ballot papers larger and therefore harder for voters to fill out and for the VEC to print, distribute and count • A recount may not be possible within existing timelines • Results are harder to audit	• Robson rotation • Tougher requirements for party registration and candidate nomination to reduce parties/candidates without genuine levels of support • Increase the number of candidates required to have a square above the line • Only allow candidates to be elected if their party/group achieves more than a threshold of first-preference votes • Maintain low minimum number of preferences required below-the-line • Redesign ballot papers • Alternative ways to count votes

Source: Electoral Matters Committee.

Table 3.7 Summary of concerns and mitigating options with structures with regions, as identified by stakeholders

Aspect	Concerns	Mitigating options
Representation (Sections 3.3–3.4)	• Harder for non-geographic interests to be represented (e.g. particular demographic groups or policy issues)	• Non-government organisations can advocate for non-geographic interests
Candidates and parties (Section 3.3.1)	• Higher quotas make it harder for smaller parties to be elected (especially if group voting tickets are removed)	

Source: Electoral Matters Committee.

The Committee does not necessarily endorse these concerns or the suggested options to mitigate them. This summary is presented to assist with the new process considering changes to Victoria’s Upper House which the Committee has recommended (see Section 2.4.1).

The Committee notes that the statewide model attracted a higher level of comments, including both advantages and concerns. This may be due to the novelty of the model, rather than its inherent features. The new process considering the electoral structure may benefit from further exploring the issues associated with structures with regions.

There is also a variety of ways that the state could be divided into regions, each of which has different advantages and disadvantages. These are discussed in Chapter 4.

Chapter 4

Proposed electoral structures and other matters

4.1 Introduction

Chapter 3 looks at the general arguments about whether Upper House members should be elected from the state as a whole or from regions, along with the key issues to consider when selecting an electoral structure. This final chapter looks in more detail at specific electoral structures that were proposed, along with other changes that were suggested during this Inquiry.

To make the topic of this Inquiry more accessible and to facilitate community input, the Committee produced a discussion paper at the beginning of the process. This included background information and six ‘example structures’. These structures were designed to help people understand the types of changes that are possible and to stimulate discussion. People were invited to express their opinions on the example structures, to propose alternative structures or to indicate that they would prefer no change.

Section 4.2 summarises people’s responses to the example structures. All of the example structures received some support. A statewide structure (with all members elected from the state as a whole) was by far the most popular. However, the people responding to this Inquiry were not a representative sample of Victorians, so these results may not reflect the broader community.

Several submitters also recommended alternative structures. In most cases, these were relatively similar to the example structures, but there were also several substantially different structures proposed. The alternative structures are discussed in Section 4.3.

In addition, various other changes were suggested to how ballot papers are filled out or how votes are counted. These are set out in Section 4.4.

As explained in the previous chapter, Chapters 3 and 4 are intended to provide a starting point for the new process looking at the electoral structure (see Chapter 2). To assist with that, Section 4.5 summarises the key learnings from this Inquiry.

4.2 The example structures

The six example structures produced by the Committee were:

1. 40 members, elected from the state as a whole, with all members elected at every election
2. 40 members, elected from the state as a whole, with 20 members elected at each election
3. 40 members, elected from four 10-member regions
4. 49 members, elected from seven seven-member regions
5. 40 members elected from eight five-member regions, plus top-up members (if more than 4% of the voters across the state gave their first preferences to a party, the party would be guaranteed one seat in Parliament for every 2.5% of the vote received; if fewer members were elected than the guarantee, the party would be entitled to nominate top-up members)
6. 40 members, elected from one 25-member metropolitan region and three five-member non-metropolitan regions.

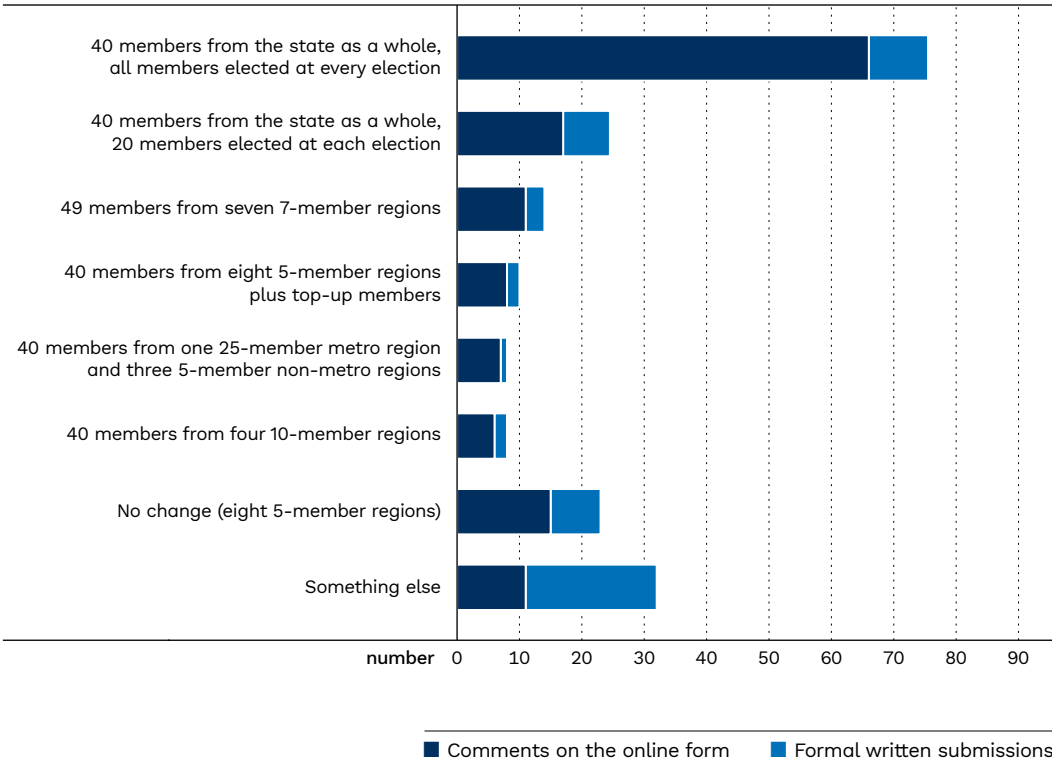
People could express their views on these structures either through an online form or through more formal written submissions.

There were arguments made for and against each of the structures.

4.2.1 Public response to the Committee's example structures

Figure 4.1 illustrates the levels of support for each of the example structures, along with the numbers of participants supporting the existing structure or something different. It includes both the comments made on the online form and views expressed in formal submissions.

Figure 4.1 Stakeholders' preferred structures



Note: Some stakeholders provided both comments on the online form and formal written submissions; only their comments on the online form have been included in the tallies for this figure. Seven submissions expressed support for either statewide structure; these have been counted as 3.5 respondents in both options. A number of submissions did not express support for any particular structure; these have not been included in this figure.

Source: Electoral Matters Committee.

The Committee emphasises that these results do not necessarily reflect the views of the broader Victorian community. The people who provided their opinions chose to participate because of their interest in the topic; they are not a representative sample of the entire Victorian population. The Committee did not use a specifically designed methodology to ensure a spread of demographics based on age, gender, location or other criteria to ensure that the participants reflect the broader community.

The results may also have been affected by people campaigning for particular options. For example, the Committee is aware that the Animal Justice Party encouraged people to express their support for Example Structure 1 (electing all members from the state as a whole).¹ The data show a large number of responses supporting this structure being entered towards the end of the consultation period, often with similar arguments.

¹ Animal Justice Party, *AJP submission to Victoria's Upper House electoral system inquiry*, <<https://vic.animaljusticeparty.org/gjp-submission-upper-house-electoral-system-victoria>> accessed 21 March 2025.

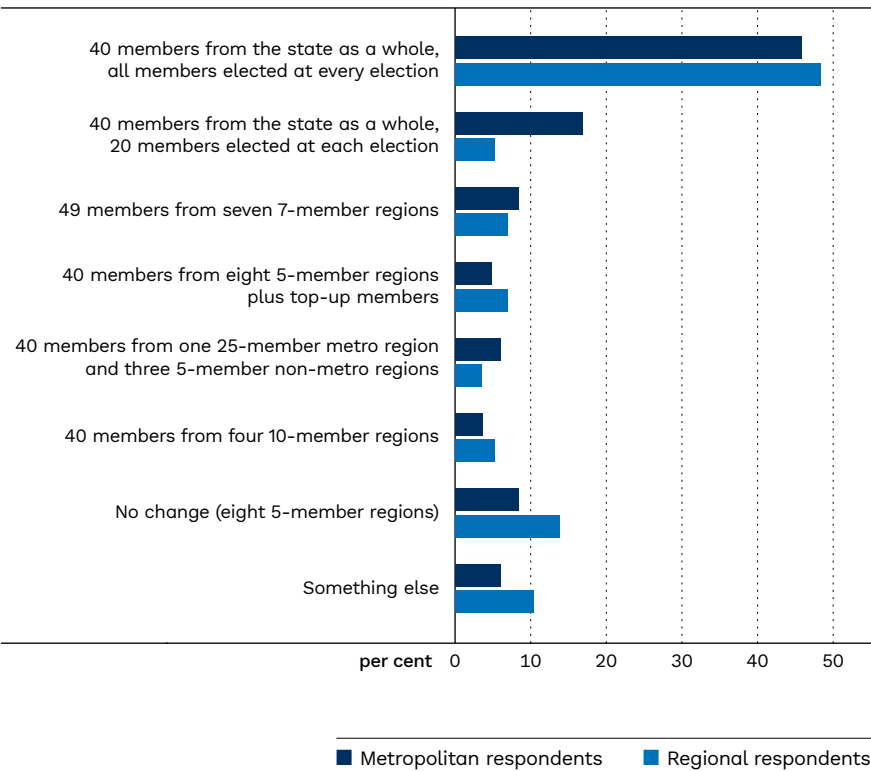
In addition, some people put in more than one response.² These have been removed from the totals where they have been identified but not all instances may have been detected.

Given these constraints, the data should be interpreted carefully. The Committee’s primary goal was to facilitate discussion about the advantages and disadvantages of different systems, rather than to gauge the levels of public support.

However, the Committee considers it noteworthy that every structure had some level of support.

The Committee also notes that, based on responses to the online form, the levels of support for each structure were relatively similar between people living in metropolitan regions and people living in the non-metropolitan regions (see Figure 4.2). A statewide structure was the most popular for both groups. The Committee considers this particularly noteworthy given that multiple stakeholders were concerned that a statewide structure may disadvantage non-metropolitan voters (see Section 3.4 in Chapter 3).

Figure 4.2 Preferred option among people completing the online form, comparison between metropolitan and non-metropolitan respondents



Source: Electoral Matters Committee.

2 This includes both people responding to the online form more than once and people both providing answers to the online form and providing submissions. In the latter cases, their responses are included in the online form totals in Figure 4.1 but not the submission totals.

FINDING 23: The Committee invited feedback on six possible electoral structures for the Upper House. All six structures had some level of support among the community. There were also some people preferring to keep the existing structure or adopt something else.

FINDING 24: The most popular structure was a statewide structure where 40 members are elected from the state as a whole at every election. This structure had similar levels of support among both metropolitan and regional participants. However, the people who provided feedback in this Inquiry were not a representative group of Victorians and the results may have been influenced by campaigning from one side. Victorians as a whole may not have the same opinion.

4.2.2 Arguments for particular structures with regions

Chapter 3 looks at the general arguments about whether members should be elected from a statewide structure or from regions. However, there were some additional arguments made about the example structures, which are explored in this section and the next.

Example Structure 3: 40 members elected from four 10-member regions

People supporting this option argued that this structure (or an alternative structure of four 11-member regions) balances a relatively low quota while preserving some regional representation.³

On the other hand, Regional Cities Victoria argued that this structure would result in regions that are too large to reflect communities of interest. The discussion paper indicated that most of regional Victoria could be included in one region with this structure, but Regional Cities Victoria considered that this would be inappropriate, as there are distinct issues in different parts of regional Victoria that should be represented.⁴

It was also argued that the quota with this structure (9.1%) may be too high for smaller parties to be elected and that this structure would not lead to noticeably more proportional outcomes than the existing structure.⁵

³ Dr Kevin Bonham, *Submission 26*, p. 6; Victorian Trades Hall Council, *Submission 60*, pp. 11–12; comments on the online form.

⁴ Regional Cities Victoria, *Submission 3*, p. 1. See also Liberal Party of Australia (Victorian Division), *Submission 28*, p. 13; Dr Charles Richardson, *Submission 31*, p. 6.

⁵ Travis Jordan, *Submission 17*, p. 17; Liberal Party of Australia (Victorian Division), *Submission 28*, p. 13; comments on the online form.

Example Structure 4: 49 members elected from seven seven-member regions

This structure would increase the total number of members in the Upper House from 40 to 49. Some stakeholders considered this to be a good thing, while others opposed it (see Section 3.7 in Chapter 3). Some liked that it would provide an odd number of members in total.

Seven regions would mean that regional Victoria could be divided into multiple regions, providing guaranteed representation for different parts of Victoria.

A problem with dividing the state into seven regions is that it is impossible to line up seven regions so that they contain a consistent number of Lower House districts (there are 88 in total). It would be necessary to either:

- have some regions with 12 districts and some with 13 districts or
- make the boundaries of Upper House regions and Lower House districts different.

The Committee was told that the first option would be messy, would be difficult to administer, would violate the 'one vote, one value' principle and may cause confusion for voters.⁶ The alternative approach, where region boundaries do not match district boundaries, would be logistically difficult for the Victorian Electoral Commission (VEC).⁷

There were differing views about whether the quota of 12.5% would be appropriate or too high.⁸ It was also suggested that the seven-members regions would not provide substantially different results to the current five-member regions.⁹

Example Structure 5: 40 members elected from eight five-member regions plus top-up members

With this option, the current electoral structure is maintained. However, if more than 4% of the voters across the state give their first preferences to a party, the party would be guaranteed one seat in Parliament for every 2.5% of the vote received. If fewer members are elected than the guarantee, the party would be entitled to nominate 'top-up' members. The total number of members of the Upper House could vary from one election to another.

For example, if a party received 9% of the first-preference votes across the state but only one member was elected, the party would be entitled to nominate two additional people to become Members of Parliament. The Upper House would then have 42 members until the next election.

⁶ Aaron Hewett, *Submission 1*, p. 1; Daniel Berk, *Submission 9*, p. 5; Victorian Electoral Commission, *Submission 16*, pp. 14–16.

⁷ Victorian Electoral Commission, *Submission 16*, pp. 14–16.

⁸ Comments on the online form.

⁹ Dr Kevin Bonham, *Submission 26*, p. 8; Dr Charles Richardson, *Submission 31*, p. 7.

People supporting this structure argued that it strikes a good balance between ensuring that members are relevant to their local community and allowing statewide trends to be better reflected in the Parliament. They believed that this structure would facilitate smaller parties and independents being elected. At the same time, this structure would ensure that different areas are represented.¹⁰

However, multiple concerns were expressed about the proposed way of deciding top-up members, including:

- the potential for manipulation by parties (e.g. running ‘dummy parties’ to reduce another party’s first-preference votes)¹¹
- some votes would count twice (once towards an elected member and once towards a top-up member)¹²
- concerns about how parties would choose the top-up members¹³
- the fact that parties would select the top-up members rather than voters¹⁴
- the potential to cause confusion for voters and distrust in the system¹⁵
- the risk that top-up members would be seen as second-class Members of Parliament¹⁶
- the 4% threshold, which was seen as arbitrary.¹⁷

Some stakeholders did not like the fact that the total number of members in the Upper House would vary from one parliamentary term to the next.¹⁸

Dr Kevin Bonham was not in favour of top-up members but suggested that, if such a system were introduced, the threshold should be set at 2.5% of first-preference votes rather than 4%.¹⁹ Ben Raue and Ben Messenger proposed different systems for determining top-up members if a top-up system were to be implemented.²⁰

¹⁰ Comments on the online form.

¹¹ Ben Messenger, *Submission 55*, p. 3; Dr Kevin Bonham, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 17.

¹² Thomas Killip, *Submission 24*, p. 2; Dr Charles Richardson, *Submission 31*, p. 7; Ben Messenger, *Submission 55*, p. 3.

¹³ Daniel Berk, *Submission 9*, p. 4.

¹⁴ Comments on the online form.

¹⁵ Victorian Electoral Commission, *Submission 16*, p. 18; Sven Bluemmel, Electoral Commissioner, Victorian Electoral Commission, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, pp. 25–6; comments on the online form. See also Aaron Hewett, *Submission 1*, p. 1.

¹⁶ Dr Charles Richardson, *Submission 31*, p. 7.

¹⁷ Dr Kevin Bonham, *Submission 26*, p. 8; Ben Messenger, *Submission 55*, p. 3.

¹⁸ Comments on the online form.

¹⁹ Dr Kevin Bonham, *Submission 26*, pp. 8–9.

²⁰ Ben Raue, *Submission 25*, pp. 9–11; Ben Messenger, *Submission 55*, pp. 4–5.

Example Structure 6: 40 members elected from one 25-member metropolitan region and three five-member non-metropolitan regions

This structure would provide the advantages of a lower quota for the metropolitan area while guaranteeing dedicated representation for the different parts of regional Victoria. People supporting this structure considered that it would allow for the different needs of Melbourne and regional areas to be represented appropriately. Although it was not the Animal Justice Party's preferred option, the party noted that this option 'strikes a compromise between population-based and geographic-based representation'.²¹

There were also many concerns expressed about this approach. These included that the system would work quite differently for people in some parts of the state compared to others, would provide different quotas, would undermine the 'one vote, one value' principle and would under-represent metropolitan Melbourne. It was seen by some as unfair that Melbourne voters would be able to elect smaller parties, but it would be difficult for non-metropolitan voters. It was also argued that this would not provide geographic diversity for Melbourne and may not provide local members for some parts of Melbourne.²²

4.2.3 Additional arguments for a statewide structure

The key arguments for statewide structures are discussed in Chapter 3. However, several additional arguments were also put forward, which are set out below.

A number of stakeholders argued that electing Upper House members from the state as a whole would bring Victoria into line with other Australian jurisdictions. New South Wales, South Australia and Western Australia all elect their Upper House members from the state as a whole. Members of the Commonwealth Senate are also elected from states or territories as a whole. One submitter argued that, 'confidence in the integrity of our electoral system can only improve by bringing it into line with other states, where the types of shenanigans that occurred in the November 2022 election are not replicated.'²³

²¹ Animal Justice Party, *Submission 15*, p. 4.

²² Travis Jordan, *Submission 17*, p. 17; Thomas Killip, *Submission 24*, pp. 2–3; Ben Raue, *Submission 25*, p. 11; Dr Kevin Bonham, *Submission 26*, p. 9; Liberal Party of Australia (Victorian Division), *Submission 28*, p. 16; Liam Morris, *Submission 52*, p. 18; Dr Charles Richardson, *Submission 31*, p. 7; Chris Curtis, *Submission 46*, pp. 6, 16; Ben Messenger, *Submission 55*, p. 3; Victorian Trades Hall Council, *Submission 60*, p. 12; Ben Raue, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 7; Martin Shield, State Director, Australian Greens Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 19; comments on the online form. See also Victorian Electoral Commission, *Submission 16*, pp. 19–21.

²³ Maxim Payne, *Submission 4*, p. 2.

However, the Committee notes that Victoria's current system is not unique. Tasmania's lower house and the Australian Capital Territory's Legislative Assembly both use multi-member regions, similar to Victoria's current Upper House electoral structure.

Other arguments put forward for a statewide model included:

- every vote in Victoria would carry equal weight (currently there can be some variations between regions in the number of voters, and the importance of a vote may change depending on the closeness of contests)²⁴
- it would simplify the electoral process and be easier for voters to understand²⁵
- there would be no need to change electoral boundaries in the future due to population changes²⁶
- it would reduce the impact of political funding²⁷
- it would be cheaper for the VEC to produce just one Upper House ballot paper for the whole state and cheaper for parties who would not need to create different advertisements in different regions.²⁸

FINDING 25: Four of the structures that the Committee put out for comment involved dividing the state into regions. Arguments were made for and against each of the structures.

4.3 Alternative structures proposed

A number of stakeholders suggested other structures as part of this Inquiry. Most suggestions were similar to the example structures, but with variations in the number of regions and the number of vacancies. A small number of stakeholders suggested more substantial changes. Two structures where submitters provided extensive details are set out in this section.

²⁴ Fulin Yan, *Submission 14*, p. 1; Australian Labor Party – Victorian Branch, *Submission 51*, p. 2; Carlo Toncich, *Submission 59*, p. 1; Victorian Trades Hall Council, *Submission 60*, p. 7; Alex van der End, Family First Victoria, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 24; Craig Ellis, National Secretary, Legalise Cannabis Australia, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 25; Steve Staikos, State Secretary, Victorian Branch, Australian Labor Party, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 41; comments on the online form.

²⁵ Animal Justice Party, *Submission 15*, p. 2; Australian Labor Party – Victorian Branch, *Submission 51*, p. 2; comments on the online form.

²⁶ Dr Zareh Ghazarian and Associate Professor Narelle Miragliotta, *Submission 10*, p. 1; Philip Lillingston, *Submission 45*, p. 2; comments on the online form.

²⁷ Comments on the online form.

²⁸ Philip Lillingston, *Submission 45*, p. 2. See also Victorian Electoral Commission, *Submission 16*, p. 7.

Proposed structures that were similar to the example structures included:

- three 12-member regions²⁹
- three 13-member regions³⁰
- four 11-member regions³¹
- five nine-member regions³²
- eight six-member regions³³
- two 10-member metropolitan regions and two five-member non-metropolitan regions.³⁴

The arguments for these structures largely related to the geographic size of the regions and the number of members in each region. For some submitters, ensuring an odd number of members overall or an odd number of members in each region were important factors.

One submitter called for 15 regions of equal population, but with one representative for each metropolitan region and two for each non-metropolitan region. They considered that this would take account of the geographic size and spread-out population in non-metropolitan regions.³⁵ Victoria's current legislation requires the regions to have approximately equal numbers of electors,³⁶ and multiple submitters indicated that the 'one vote, one value' principle was important to them. However, deliberately unequal regions have been established in other jurisdictions' upper houses.³⁷

4.3.1 22 two-member regions

The Institute for Public Affairs and one other submitter advocated for Victoria to be divided into 22 two-member regions, with one member in each region elected at each election.³⁸ This was the structure in place for Victoria's Upper House before 2006.

It was argued that this structure would ensure that inner Melbourne, suburban Melbourne and regional Victoria are all represented.³⁹

²⁹ Malcolm Mackerras, *Submission 11*, p. 1 (but note his revised thoughts in *Submission 11b*).

³⁰ Chris Curtis, *Submission 46*, pp. 6–7 (one of two options).

³¹ Dr Kevin Bonham, *Submission 26*, p. 2; Jordan Clarke, *Submission 47*, p. 2.

³² Chris Curtis, *Submission 46*, pp. 6–7 (one of two options); comments on the online form.

³³ Comments on the online form.

³⁴ Comments on the online form.

³⁵ Barry Cox, *Submission 44*, p. 1.

³⁶ *Electoral Boundaries Commission Act 1982* (Vic) s 5(1).

³⁷ Western Australia's previous Upper House system (prior to 2025) provided more members per elector in regional areas. The Commonwealth Senate provides each state with the same number of representatives regardless of the number of electors.

³⁸ Adrian Schonfelder, *Submission 39*, p. 1; Institute of Public Affairs, *Submission 57*, p. 3; Mia Schlicht, Research Fellow, Institute of Public Affairs, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 47.

³⁹ Institute of Public Affairs, *Submission 57*, p. 3 and Attachment 'Towards representation and accountability: How to reform Victoria's upper house', pp. 6–8; Mia Schlicht, Research Fellow, Institute of Public Affairs, public hearing, Melbourne, 19 May 2025, *Transcript of evidence*, p. 47. See also Adrian Schonfelder, *Submission 39*, p. 1.

The Institute called for members to be elected for six-year terms, with half of all members elected every three years. It was argued that Upper House elections should be separate from Lower House elections, as having them on the same day has several negative effects:

- the intense partisanship of the Lower House is carried over to the Upper House
- the role of the Upper House as a house of review is overshadowed by the contest to form government
- voters are less likely to vote for smaller parties and the Upper House's role as a house of review is diminished if its composition is similar the Lower House.⁴⁰

However, Liam Morris was concerned that having elections too often could be a pain for people and could result in permanent protest votes.⁴¹

Chris Curtis noted that this structure would make it very hard for the Greens and smaller parties to be elected, meaning that a large proportion of Victorian voters would not be able to elect their preferred parties.⁴²

4.3.2 51 members and a different electoral system

Meaghan Capell proposed a completely different system for voting, counting votes and determining who can be elected. Greg Cheesman also proposed multiple aspects of this system. Ms Capell's system involved electing 51 candidates from the state using the following method:

- the voter indicates their 1st and 2nd preferences among candidates (not parties)
- a quota is established using the Hare formula (the number of votes divided by the number of seats)
- if all vacancies are not filled by 1st preferences meeting the quota, second preferences are distributed to all remaining candidates with a value of half a vote (without any candidates being eliminated)
- the remaining seats are determined based on a first-past-the-post basis of the new totals.⁴³

⁴⁰ Institute of Public Affairs, *Submission 57*, p. 4 and Attachment 'Towards representation and accountability: How to reform Victoria's upper house', pp. 4, 9. See also Meaghan Capell, *Submission 20*, p. 32.

⁴¹ Liam Morris, *Submission 52*, p. 9.

⁴² Chris Curtis, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 9.

⁴³ Meaghan Capell, *Submission 20*, *passim*; Greg Cheesman, *Submission 49*, pp. 6–7. See also Meaghan Capell, *Submission 20b* (especially pp. 71–7), on first-past-the-post vote counting and her concerns about preferences.

Accompanying this approach, she argued for a variety of changes to election rules and related matters, including:

- parties to be restricted to a maximum of five candidates and five seats
- if an elected member leaves their seat, they are replaced by countback
- the introduction of Robson rotation (creating multiple versions of the ballot paper with candidates in different orders)
- voting to be restricted to one day
- a prohibition of how-to-vote cards and restrictions on campaigning apart from providing information to an official central repository of candidate information
- candidates to require 300 supporters to nominate
- Upper House elections to be held separately from Lower House elections
- members to be restricted to a maximum of three terms in total, with no consecutive terms
- members' remuneration to be reduced so that the 51 members receive the same in total as the current 40 members
- taxpayer funding for parties and candidates to be eliminated.⁴⁴

Ms Capell argued that this approach would reduce the influence of the Coalition and Labor Party in the Upper House, allowing smaller parties and independents to be more competitive. She believed that this would enable the Upper House to:

cast a broader and more critical eye over Lower House bills proposed by the controlling major party or minority party government, ensuring any outcomes are not aligned to political agendas rather will only pass if they will serve in the interests of the greatest pool of Victorians.⁴⁵

FINDING 26: A wide variety of other structures was also proposed by stakeholders. While most of these were similar to the 'example structures' published by the Committee, several substantially different structures were also suggested. These included 22 two-member regions and 51 members elected through a system designed (among other things) to limit the influence of the major parties in the Upper House.

⁴⁴ Meaghan Capell, *Submission 20, passim*; Greg Cheesman, *Submission 49*, pp. 6–7. Note: Mr Cheesman advocated for a limit of two terms for members, rather than three.

⁴⁵ Meaghan Capell, *Submission 20*, p. 5.

4.4 Other changes to the voting and vote-counting systems

Stakeholders suggested several other changes to the electoral system. These included different methods for counting votes, introducing minimum thresholds of first-preference votes, rotating the order of candidates on ballot papers and having some or all members of the Upper House appointed rather than elected.

Several submitters called for different ways of counting votes:⁴⁶

- the Institute of Public Affairs suggested first-past-the-post counting, arguing that it is simple, efficient and produces clear outcomes⁴⁷
- the Victorian Trades Hall Council called for the adoption of the D'Hondt method of counting votes if a statewide structure is adopted, arguing that counting would be simpler and it may reduce party fragmentation⁴⁸
- Anthony van der Craats called for the Wright System to be used to count votes and for a Hare quota (the number of votes divided by the number of seats) to be used instead of the Droop quota currently used.⁴⁹

There are many different ways that votes can be counted in proportional representation systems. Each method has advantages and disadvantages. Of particular relevance to this Inquiry, some may make vote-counting easier, which may offset some of the additional complexity that will come from eliminating group voting tickets. However, the system used in Victoria is essentially the same as the system used for the Commonwealth Senate and in other Australian states and territories using proportional representation. Voters may have more trouble understanding how their votes are counted if Victoria were to use a different system to other Australian jurisdictions.

Some submitters considered that members should not be elected unless their party/group achieves a minimum threshold of first-preference votes (e.g. one quota or 4%).⁵⁰ Others disliked the idea of a threshold, which was seen as arbitrarily excluding candidates, depriving voters of their say and being prone to manipulation.⁵¹ One submitter argued that there was no need for a threshold if the quota was sufficiently high.⁵² While some candidates have been elected from very low first-preference votes under the current system, this is less likely with group voting tickets removed.

⁴⁶ In addition to the suggestions below, one submitter called for modifying the quota but did not specify how—Ian Ajzenszmidt, *Submission 8*, p. 1.

⁴⁷ Institute of Public Affairs, *Submission 57*, Attachment 'Towards representation and accountability: How to reform Victoria's upper house', p. 9. See also Meaghan Capell, *Submission 20b*, especially pp. 72–3.

⁴⁸ Victorian Trades Hall Council, *Submission 60*, pp. 13–15.

⁴⁹ Anthony van der Craats, *Submission 33*, pp. 2–3, *Submission 33a*, p. 2. See also Meaghan Capell, *Submission 20*, p. 12.

⁵⁰ Michael Tandora, *Submission 22*, p. 1; Anthony van der Craats, *Submission 33*, p. 3, *Submission 33a*, p. 1.

⁵¹ Travis Jordan, *Submission 17*, p. 16; Dr Kevin Bonham, *Submission 26*, p. 9; Chris Curtis, *Submission 46*, p. 4.

⁵² Daniel Berk, *Submission 9*, p. 3.

Several submitters wanted changes to how casual vacancies (e.g. when a member resigns) are filled.⁵³

Some submitters were in favour of Robson rotation, where multiple ballot papers are printed for each electorate with candidates presented in different orders.⁵⁴ This would reduce the advantage that some candidates have by appearing earlier on ballot papers. The Committee has previously looked at this suggestion and concluded that it would not be appropriate for Victoria.⁵⁵

Some stakeholders called for all or some members to be appointed rather than elected through voting. One submitter argued for 37 members to be elected by voters and four members to be appointed by the Governor. The four appointed members would have expertise to help the Upper House fulfil its functions.⁵⁶ Another submitter proposed up to four additional members selected from local councillors and elected by Indigenous Australians to provide the Upper House with local government and Indigenous perspectives.⁵⁷

One person wanted to see the Upper House composed of 50 people randomly selected. They saw this as more representative. With this system, Upper House members would not be people with an interest in seeking election to office, which the person advocating for this saw as ‘the very worst people’. They believed that this structure would create an Upper House that would be ‘a jury sitting in deliberation over the government’.⁵⁸

While appointing or randomly selecting members might provide some additional viewpoints in the Upper House, the Committee considers that electing members is the best way to ensure that the issues that are most important to most Victorians are represented.

FINDING 27: Stakeholders suggested a variety of other changes to the electoral system, including changing how votes are counted, introducing thresholds of first-preference votes, changing how candidates are presented on ballot papers and appointing some or all members without election.

⁵³ Malcolm Mackerras, *Submission 11a*, p. 4; Meaghan Capell, *Submission 20*, pp. 11, 25–6, 36; Dr Charles Richardson, *Submission 31*, p. 5; Greg Cheesman, *Submission 49*, p. 7; Ben Messenger, *Submission 55*, p. 2; Malcolm Mackerras, public hearing, Melbourne, 21 May 2025, *Transcript of evidence*, p. 3.

⁵⁴ Ben Messenger, *Submission 55*, p. 1; Meaghan Capell, *Submission 20*, p. 14.

⁵⁵ Parliament of Victoria, Electoral Matters Committee, *The conduct of the 2022 Victorian state election*, vol. 1, July 2024, pp. 62–3. See also Victorian Trades Hall Council, *Submission 60*, pp. 5, 13.

⁵⁶ Con Farrugia, *Submission 5*, p. 1.

⁵⁷ Daniel Berk, *Submission 9*, pp. 5–6.

⁵⁸ Comments on the online form.

4.5 Key learnings for consideration in a new process

As demonstrated in this and the previous chapter, the Committee heard a variety of opinions about the Upper House electoral structure and related matters. The input to this Inquiry shows the complexity of the topic and the multiple aspects to factor in when considering an electoral structure.

As discussed in Chapter 2, the Committee believes that further work should take place considering this issue. This work should include a new process which is independent of the Government and Parliament, and which can navigate the different perspectives of political parties and the community to find a solution that can be generally agreed on.

The findings of this Inquiry can form a starting point and a framework for that new process.

The key finding from this Inquiry is that there are multiple electoral structures which could be valid options for Victoria. People's preferences for different structures generally result from different opinions on which aspects of the electoral system are the most important. An agreement for a new structure will require agreement on the right balance between these goals:

- enabling the Upper House to fulfil its role as a house of review
- allowing diversity in who is elected
- reflecting first-preference votes as closely as possible
- ensuring that all parts of the state are represented
- setting a quota that is not so low that candidates are elected with minimal support
- setting a quota that is not so high that it prevents smaller parties with reasonable levels of support from being elected
- allowing new parties to emerge
- avoiding an excessive number of parties that would make voting difficult or prevent the Upper House from functioning
- ensuring that elected members are accessible to people all around Victoria
- ensuring that elected members are accountable to all areas of Victoria
- providing enough members for the Upper House to fulfil its responsibilities
- avoiding the costs of having more members than are necessary
- ensuring that ballot papers are not so large that voters struggle to vote and the VEC has excessive logistics difficulties
- minimising informal and exhausted votes.

Part of establishing this balance may involve changes to practices and legislation in addition to changes to the electoral structure. Some of the changes suggested in this Inquiry included:

- establishing regional consultation groups to ensure that Upper House members have access to people from all parts of the state
- encouraging non-government organisations to advocate for statewide issues that are not represented by members in the Upper House
- only electing half of the members at each election
- removing a member of the Upper House if they cease to be a member of the party they were elected from
- requiring electorate offices to be located across the state
- requiring more transparency about members' activities and community engagement to facilitate accountability
- changing the rules to make it more difficult to nominate (e.g. increasing nomination deposits, requiring parties to be registered a year in advance of an election or requiring more people to nominate a candidate) so that there are not too many parties/groups and candidates on ballot papers
- changing the format of ballot papers
- changing how results are calculated
- introducing thresholds of first-preference votes that must be achieved to be elected
- ensuring that the minimum number of squares that must be completed below the line is not too high, so that there is less incentive for parties/groups to nominate unrealistic numbers of candidates.

The Committee does not necessarily endorse these suggestions. However, it encourages these and similar changes to be considered along with possible changes to the electoral structure. Achieving the right balance of people's goals may involve a combination of changes to the electoral structure and other changes such as these.

Ultimately, elections are about representing the will of the people. The best electoral structure will be one that provides appropriate representation in a way that is acceptable to the community. The goal of the new process considering the electoral structure will be to work with the community and stakeholders to identify this structure.

**Adopted by the Electoral Matters Committee
Parliament of Victoria, East Melbourne
17 November 2025**

Appendix A

About the Inquiry

A.1 Inquiry process

On 27 August 2024 the Victorian Parliament's Legislative Assembly referred an inquiry into Victoria's Upper House electoral system to the Committee. The Committee was required to table a final report by 8 December 2025.

Before calling for public input, the Committee produced a discussion paper providing details of the Inquiry, background information about the electoral system and six 'example structures' for comment. The example structures were designed to illustrate a variety of different ways that the electoral structure could be changed and to stimulate discussion. Stakeholders were invited to comment on the example structures or any other structure they preferred, including the existing structure.

Submissions

The Committee called for written submissions through its website and social media channels from October 2024. The Committee also wrote to a range of stakeholders inviting submissions, including political parties, electoral commissions, organisations with an interest in electoral matters and electoral experts.

In total, the Committee received submissions from 62 individuals, groups and organisations.

A full list of submitters can be found in Section A.2 of this appendix.

Online form

The Committee published an online form on its website, inviting people to:

- select their preferred example structure and explain their choice
- suggest an alternative structure and their rationale or
- indicate that they would prefer no change to the electoral structure.

There were responses from 141 people. The Committee published a summary and analysis of the responses on its website in April 2025.

Public hearings

The Committee conducted two days of public hearings on 19 and 21 May 2025. The hearings consisted of 16 sessions with 29 witnesses. These included academics, psephologists and representatives of political parties.

The public hearings were held in Melbourne, with some witnesses appearing by videoconference or teleconference.

A list of the witnesses who attended public hearings is included in Section A.3 below.

A.2 Submissions

No.	Author
1	Andrew Hewett
2	John Glazebrook
3	Regional Cities Victoria
4	Maxim Payne
5	Con Farrugia
6	Dr Michelle Blom, Dr Alexander Ek, Professor Peter J. Stuckey, Associate Professor Vanessa Teague and Associate Professor Damjan Vukcevic
7	Perrin Rennie
8	Ian Martin Ajzenszmidt
9	Daniel Berk
10	Dr Zareh Ghazarian and Associate Professor Narelle Miragliotta
11	Malcolm Mackerras AO
12	Jonathan Meddings
13	Name withheld
14	Fulin Yan
15	Animal Justice Party
16	Victorian Electoral Commission
17	Travis Jordan
18	Uniting Church in Australia
19	Andre Medina
20	Meaghan Capell
21	Stephen Luntz
22	Michael Tandora
23	Proportional Representation Society of Australia Inc.
24	Thomas Killip
25	Ben Raue
26	Dr Kevin Bonham
27	Dr Giuseppe Garra
28	Liberal Party of Australia (Victorian Division)
29	Name withheld
30	The Nationals-Victoria

No.	Author
31	Dr Charles Richardson
32	Confidential
33	Anthony van der Craats
34	FamilyVoice Australia
35	Michael Blair
36	Andrew Paddle
37	Nathan Porter
38	James Mason
39	Adrian Schonfelder
40	Petrina Alexander
41	Name withheld
42	Name withheld
43	James Dalton
44	Barry Cox
45	Philip Lillingston
46	Chris Curtis
47	Jordan Clarke
48	Linda Hadley
49	Greg Cheesman
50	Dr Jim Murphy and Dr Rob Hoffman
51	Australian Labor Party-Victorian Branch
52	Liam Morris
53	Legalise Cannabis Party
54	Katie Burgess
55	Benjamin Messenger
56	newDemocracy
57	Institute of Public Affairs
58	Libertarian Party
59	Carlo Toncich
60	Victorian Trades Hall Council
61	Sustainable Australia Party
62	Family First Party (Vic)

A.3 Public hearings

19 May 2025, Melbourne

Witness	Position and organisation
Liam Morris	–
Ben Raue	–
Dr Jim Murphy	Lecturer in Australian Politics, University of Melbourne
Dr Rob Hoffman	Lecturer in Social Sciences, Swinburne University of Technology
Martin Shield	State Director, Australian Greens Victoria
Jessica Wheelock	Head of Campaigns, Australian Greens Victoria
Ben Schultz	State Manager, Animal Justice Party
Austin Cram	State Secretary, Animal Justice Party
Alex van der End	Family First Party (Vic)
Craig Ellis	National Secretary, Legalise Cannabis Party
William Bourke	National Administrator, Sustainable Australia Party
Stuart Smith	State Director, Liberal Party of Australia (Victorian Division)
Lyndel Feery	State Director, The Nationals–Victoria
Steve Staikos	State Secretary, Australian Labor Party–Victorian Branch
Morgan Begg	Director of Research, Institute of Public Affairs
Mia Schlicht	Research Fellow, Institute of Public Affairs
Danae Bosler	Assistant Secretary, Victorian Trades Hall Council
Wilhelmina Stracke	Assistant Secretary, Victorian Trades Hall Council
Oscar Kaspi-Crutchett	Researcher, Victorian Trades Hall Council

21 May 2025, Melbourne

Witness	Position and organisation
Malcolm Mackerras AO	–
Chris Curtis	–
Travis Jordan	–
Dr Kevin Bonham	–
Sven Bluemmel	Electoral Commissioner, Victorian Electoral Commission
Keegan Bartlett	Director, Electoral Integrity and Regulation, Victorian Electoral Commission
Ben Sutherland	Director, Event Strategy and Delivery, Victorian Electoral Commission
Melea Tarabay	Director Communications and Engagement, Victorian Electoral Commission
Sophia Moermond	Independent candidate, Western Australia
Peter Rundle MLA	Deputy Leader, National Party of Australia (WA)

Extracts of proceedings

The Committee divided on the following questions during consideration of the report. Questions agreed to without division are not recorded in these extracts.

Committee meeting—20 October 2025

Chapter 2, Section 2.1

David Ettershank MLC moved that the following text be **inserted**:

The proposal for a two-stage process was not supported by the one member of the Committee who represents the smaller parties in the Upper House. At the 2022 election, 17.5% of the representatives in the Upper House came from these smaller parties.

This minority view was premised on a belief that the abolition of group voting tickets should occur concurrently with changes to the regions. It was argued that the absence of such concurrence would likely result in the elimination of most small parties in the Upper House.

The Committee divided.

Ayes	Noes
David Ettershank MLC	Dylan Wight MP
	Chris Crewther MP
	Emma Kealy MP
	Nathan Lambert MP
	Dr Sarah Mansfield MLC
	Evan Mulholland MLC
	Lee Tarlamis OAM, MLC

Amendment negated.

Committee meeting—17 November 2025

Chapter 2, Section 2.3.1

David Ettershank MLC moved that the following recommendation be **omitted** and that consequential changes be made in the report as required:

RECOMMENDATION 1: That the Government implement Recommendation 17 from Volume 1 of the Committee’s report on the 2022 Victorian state election as soon as possible, so that the new voting system will apply at the 2026 state election.

The Committee divided.

Ayes	Noes
David Ettershank MLC	Dylan Wight MP
	Chris Crewther MP
	Jacinta Ermacora MLC
	Emma Kealy MP
	Nathan Lambert MP
	Dr Sarah Mansfield MLC
	Evan Mulholland MLC
	Lee Tarlamis OAM, MLC

Amendment negatived.

Executive summary

Dr Sarah Mansfield MLC moved that the executive summary be adopted and stand part of the Report.

The Committee divided.

Ayes	Noes
Dylan Wight MP	David Ettershank MLC
Chris Crewther MP	
Jacinta Ermacora MLC	
Emma Kealy MP	
Nathan Lambert MP	
Dr Sarah Mansfield MLC	
Evan Mulholland MLC	
Lee Tarlamis OAM, MLC	

Motion carried.

Preliminary pages

Chris Crewther MP moved that the preliminary pages, including lists of recommendations and findings be adopted and stand part of the Report.

The Committee divided.

Ayes	Noes
Dylan Wight MP	David Ettershank MLC
Chris Crewther MP	
Jacinta Ermacora MLC	
Emma Kealy MP	
Nathan Lambert MP	
Dr Sarah Mansfield MLC	
Evan Mulholland MLC	
Lee Tarlamis OAM, MLC	

Motion carried.

Adoption of report

Dr Sarah Mansfield MLC moved that the Draft Final Report be adopted as the Final Report of the Committee on its Inquiry into Victoria's Upper House Electoral System, and that the Report be tabled on Tuesday 2 December 2025 or the next possible sitting day if tabling on that date is not possible.

The Committee divided.

Ayes	Noes
Dylan Wight MP	David Ettershank MLC
Chris Crewther MP	
Jacinta Ermacora MLC	
Emma Kealy MP	
Nathan Lambert MP	
Dr Sarah Mansfield MLC	
Evan Mulholland MLC	
Lee Tarlamis OAM, MLC	

Motion carried.

Minority reports



22 November 2025

Review into Upper House electoral system – Electoral Matters Committee – Liberals and Nationals.

The Liberal and Nationals representatives of the Electoral Matters Committee support the principle of abolishing Group Voting Tickets (GVTs).

The fact Labor has been dragged kicking and screaming to this position is a welcome, albeit belated outcome. GVTs are an inherently anti-democratic mechanism that shifts power from voters to political operatives, and their removal is long overdue.

However, the Government's refusal to engage in Group Voting Tickets reform and broader electoral reform over the last decade leaves significant concerns unresolved.

The Liberals and Nationals believe that representation of Regional Victorians is a paramount priority of any future structure of the Legislative Council.

Victoria currently imposes the highest electoral threshold of any multi-member electorate in Australia.

Labor's 2003 decision to entrench the region structure of the Legislative Council in the state constitution has created an inflexibility to sensible reform.

Across multiple terms, and for the last three years, the Labor Government has been aware of this issue yet has failed to act. Labor's reluctance to fix this broken electoral system means that electoral outcomes in the upper house have been distorted by preference whisperers to reflect their undemocratic intentions, rather than the will of voters across Victoria.

The Liberals and Nationals back the removal of GVTs and are open to engaging constructively with the Government to ensure regional representation is preserved and to achieve a representative upper house that benefits all Victorians.

A handwritten signature in blue ink, appearing to read "Crewther".

Chris Crewther MP
Deputy Chair, Electoral
Matters Committee
Member for Mornington

A handwritten signature in blue ink, appearing to read "Evan Mulholland".

Evan Mulholland MP
Deputy Leader of the Liberal Party
in the Legislative Council
Member for Northern
Metropolitan Region

A handwritten signature in blue ink, appearing to read "Emma Kealy".

Emma Kealy MP
Deputy Leader of the Nationals
Member for Lowan

Inquiry into Victoria's Upper House electoral system

Minority Report:

David Ettershank - Legalise Cannabis Victoria (LCV)

The 2025 *Inquiry into Victoria's Upper House electoral system* followed a recommendation from the Electoral Matters Committee (EMC) in its 2024 *Inquiry into the conduct of the 2022 Victorian state election*.

While both Inquiries provided many useful insights into the 2022 election and broader electoral issues, and many of the recommendations will serve to improve democracy and the voting process, there is also an insidious underlying theme: frustrate the growth and preferably neuter the smaller political parties. The motive, as noted in the 2025 report is clear:

“the level of support for smaller parties (that is, parties other than the Greens, Labor, the Liberals and the Nationals) has increased from 9.0% of first-preference votes (in 2006) to 27.2% (in 2022)”

This tripling in electoral support for smaller parties and Independents in Victoria, has been reflected nationally and has been at the expense of the “Old Parties” (Labor, Liberal, Nationals and Greens) who have seen their primary vote either decline or, at best, plateau.

As discussed below, through both Inquiry processes, the Old Parties, normally at each others throats, have demonstrated an extraordinary unity of purpose in supporting a series of changes that will suppress the smaller parties.

The *Inquiry into the conduct of the 2022 Victorian state election*

In my 2024 Minority Report to the *Inquiry into the conduct of the 2022 Victorian state election*, I identified recommendations of the EMC that would significantly reduce the ability of citizens to form and operate smaller parties and for those parties to compete in elections:

- increase the minimum number of members required for party registration from 500 to 750;
- increase the number of people required to support someone to run as an independent candidate for the Lower House from six to 50 people;
- increase the requirement to have a completed party registration lodged with the VEC, 180 days prior to a scheduled election (currently 120 days);

- abolish Group Voting Tickets (GVTs) without requiring a concurrent change to electoral regions. This complex issue is discussed further below, but in short, the impact of this change would be to effectively eliminate smaller parties and independents from the Legislative Council.

The beneficiaries of these changes would be the “Old Parties”, and they voted accordingly.

Note: The Electoral Matters Committee consists of 9 members: 4 from the Government/Labor Party, 3 members from the Opposition/Liberal and National Parties, 1 member from the Greens Party and myself (drawn from the smaller parties in the cross bench).

The Inquiry into Victoria’s Upper House electoral system

The *Inquiry into Victoria’s Upper House electoral system* arose from a recommendation of the EMC in the Inquiry into the 2022 election. The EMC was tasked by the Government to conduct “*an inquiry into possible reforms to the composition of, and voting systems for, the Legislative Council*”.

Central to the Inquiry were the twin questions of an alternative to Group Voting Tickets (GVTs) and how regions might be restructured to ensure a representative and democratic Legislative Council. It is worth noting that both questions featured prominently in the findings of the EMC Inquiry into the 2018 election, but their recommendations were largely ignored by the Government.

The primary concern with GVTs arises from the lack of transparency associated with how preferences can be directed. This concern has been magnified by the brokering role of the so-called “preference whisperer” Mr Glenn Druery and the significant payments made to Mr Druery by micro-parties who were elected because of his negotiations.

During the 2022 election, there was a great deal of publicity about GVTs and above the line voting. Notwithstanding the fact that all major parties, including Legalise Cannabis Victoria, publicly supported a change from GVTs, and despite all the publicity, well over 90% of Victorians voted above the line.

Changes to the regions becomes a critical issue for smaller parties if GVTs are abolished (rather than reformed). This is because if the current structure is retained (8 regions, each electing 5 members) the percentage of the vote to be elected is so high that smaller parties are at a profound disadvantage. So, for example, when NSW and Western Australia abolished GVTs, they replaced their existing multi-regional structure with a single region encompassing the whole state. By making this change to the regions, effectively lowering the quota required to be elected, they allowed for small parties to compete on a more level playing field and delivered a more democratic and proportional result.

While many submissions stressed the need to make changes to both GVTs and the regions concurrently, the Old Parties voted collectively to recommend:

- Urgently abolishing GVTs and moving to Senate style voting and
- Deferring until after the next State election, the question of changes to the regions.

This would effectively condemn smaller parties to electoral oblivion at the 2026 election (and subsequent elections if no reform to the regions occurs).

The anti-small party changes recommended in the previously discussed, Inquiry into the 2022 Election report, will further compound this travesty.

Should the Government choose to adopt these recommendations, it will be a dark day for political diversity and democracy in Victoria.



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