



## By the people, for the people – Reforming Victorian Elections

Issued October 2024

“Democracy is the government of the people, by the people, for the people”  
– Abraham Lincoln

“Your voice matters. If it didn’t, why do some people keep trying to take it away?”  
- John Robert Lewis, civil rights activist, public theologian

Most of the social justice concerns of Uniting Church members require our elected Parliaments to pass laws to affect social change. A functioning representative democracy allows for the voices of all people to be heard. Representatives in the Parliament should feel obliged to listen to people from all walks of life equally. Such an outcome is undermined when Parliamentary representatives can get elected based almost exclusively on secret backroom deals they cut with other political parties. That is currently the situation in the election of some representatives to the Victorian upper house, the Legislative Council.

### Voters should determine the outcomes of elections

For the Legislative Council, people can direct their vote by voting for individual candidates ‘below the line’. However, most people continue to vote ‘above the line’. More than 90% of Victorians voted above the line in the 2022 election. In Victoria, voting above the line only allows you to place ‘1’ in a box for your preferred political party. However, suppose the candidates for that party get eliminated in the counting process. In that case, the party you voted for directs where your vote goes without your knowledge. The deals are structured through a Group Voting Ticket. The result is that candidates with policies and views get elected to the Legislative Council that would never get elected if people had been able to direct their preferences. Candidates with as low as 0.6% of the vote have been elected to the Legislative Council through secret deals. In the 2022 election, one seat was determined based on the 32<sup>nd</sup> preference of the Labor Party Group Voting Ticket. Some of those elected are deeply hostile to measures that would improve the lives of most ordinary people in Victoria and oppose reform measures to address injustices in our society.

Group Voting Tickets have facilitated the “preference whispering” business, in which people are paid to coordinate preference deals between parties. Such arrangements favour parties that pay for the service over parties and groups that do not. Preference whispering pressures parties to run candidates in both Upper and Lower Houses with little chance of winning. The large number of candidates on ballot papers increases the number of informal votes.

Victoria is the only state in Australia that has this problem. All other states that had the same system have already reformed it.

The solution to the problem is simple. In Federal elections, we can place preferences for parties above the line. Thus, we always get to direct where our vote goes.

The Victorian Parliamentary Electoral Matters Committee conducted an inquiry into the conduct of the 2022 Victorian state election. They released their report in July 2024. The Committee formed the view that when it comes to the Legislative Council:

- Voters do not always understand how their votes will be distributed when they vote above the line on their ballot papers; and,
- The final results do not necessarily reflect voters’ preferences.

The Committee argued that the Group Voting Ticket system encourages the establishment of minor parties for the purpose of channelling votes to other parties. Such activity further erodes trust in our democratic system.

The Committee stated they believed change was needed and recommended a voting system similar to the one used for the Commonwealth Senate.

### **Truth in Political Advertising**

The Committee also recommended that the Government introduce legislation to require truth in political advertising. Disinformation campaigns can skew the outcomes of elections. South Australia has already had such laws in place for 39 years, and they have helped to curb outright lies in political advertising. The South Australian law prohibits political advertisements that are factually “inaccurate and misleading to a material extent.” The maximum penalty for such advertising is a \$5,000 fine for an individual and \$25,000 for a political party or organisation. A court can also declare the results of an election void on the grounds of misleading advertising if, on the balance of probabilities, the election results were affected by that advertising. So far, no court in South Australia has overturned the results of an election due to a breach of the truth in political advertising laws.

An example of the use of the South Australian laws was against a flyer distributed by the South Australian Labor Party asking, “Can you trust Habib?”. The flyers referred to Liberal candidate Carolyn Habib and only contained her surname plastered on a crumbling brick wall littered with bullet holes. The South Australian Electoral Commissioner upheld that the flyers were a breach of the law.

A recent analysis of the South Australian laws found they had not stifled legitimate political speech. At the 2022 South Australian state election, 117 allegations of misleading advertisements were made, which led to the regulator calling for the advertising in question to stop in 11 cases and formal warnings were issued in two cases.

### **What you can do**

Write polite and respectful letters to:

**The Hon. Jacinta Allan**  
The Premier of Victoria  
Level 1, 1 Treasury Place,  
East Melbourne VIC 3002

Salutation: Dear Premier

E-mail: [jacinta.allan@parliament.vic.gov.au](mailto:jacinta.allan@parliament.vic.gov.au)



Points to make in your letters:

- Express concerns that the current Victorian electoral system allows preference manipulation to get people elected to the Legislative Council who would not get elected if the voters could direct their preferences.
- Ask that Victorians be able to direct their preferences when voting for parties above the line rather than having their vote directed through secret backroom preference deals.
- Ask that the Victorian Government reform the electoral system as recommended by the Victorian Parliamentary Electoral Matters Committee so that Victorians can preference their votes above the line in the election of Legislative Council candidates like voters can when voting for parties in the Federal election for the Senate.
- Also request the Victorian Government to introduce truth in political advertising laws as recommended by the Committee and based on the laws that already exist in South Australia.

Please send us any replies you get to your e-mail.