

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

ONE VOTE ONE VALUE BILL 2005

Committee

Resumed from 29 April. The Deputy of Committees (Hon Simon O'Brien) in the Chair; Hon Sue Ellery (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title -

Progress was reported on clause 1.

Hon PETER FOSS: A week ago we started to debate this bill. I raised the question that it was rather difficult to debate the bill, because we knew that a deal had been done between the government and Greens (WA), which appeared, on the face of it, although we did not have the detail, to change the legislation radically. I was assured by the Leader of the House that we could definitely go ahead and debate the bill because it was, without doubt, the matter that we had to discuss. At that stage I took the liberty to say that it seemed remarkably similar to the statement by the Duke of Plaza-Toro in the *Gondoliers*. It is somewhat disappointing, now that we know what we will be talking about, because in the meantime I actually have the words from the *Gondoliers* in which Don Alhambra - I had it wrong; it was not the Duke of Plaza-Toro - explained what he meant by the fact that there was no doubt.

Hon Kim Chance: Notwithstanding that, I think you and Hon Derrick Tomlinson could probably sing that, by leave.

Hon PETER FOSS: That is true.

Hon Derrick Tomlinson: We don't need leave; we'll sing it anyway.

Hon PETER FOSS: We have been practising, but I will resist the temptation, although I realise the house will be greatly disappointed. For those who are interested I have the words here and I could pass them around for anybody who would like to join our chorus and at some stage, perhaps out of the house, we could sing it.

Having now seen the amendments that are on notice paper 33, issue 5 -

Hon Murray Criddle: Issue 5?

Hon PETER FOSS: Yes; I have issue 5. There might even be issue 6, for all I know. However, this is a totally different animal from what we started with. A very important point, which I had already picked up, is raised in the proposed amendment to this clause, which is to change the title of the bill, because what we have now could, under no possible circumstance, be described as a one vote, one value bill. It certainly did not look awfully like a one vote, one value bill when it started, but, even if it did, it looks even less so now. One has to wonder why such a provocative title has been given to this bill when it is so patently not what it is supposed to be. In part, I think the idea is to tell the people that the government has achieved something, when in fact it has gone in the opposite direction. What I think we now have is a bill, the name of which I was tempted to move be changed to the ALP and Greens self-interest bill, because it is clear that what has been put up is something that suits the ALP and the Greens delightfully.

Hon Derrick Tomlinson: The Greens, but I do not know whether the ALP is delighted.

Hon PETER FOSS: They might not be comfortable with every aspect, but there are some goodies in it for both parties. There are some goodies for the Labor Party. Not only was it pleased to give itself the opportunity to carry out its election promise to quarantine the Mining and Pastoral Region, but also it took the opportunity to go a little step further, and that is to gerrymander the region so that it could move the votes around within that region in any way it liked. On the face of it, we could have a distribution with five votes in four seats and the remainder all in the fifth. Of course, I do not think the commissioners would do that. The ALP had obviously done its numbers and worked out what was the most likely distribution if one vote, one value were disregarded and all the other possible considerations were used. Strangely enough, how did that come out? It came out vastly to the benefit of whom? I am sure that I am not keeping members in suspense or holding their breath in working out who it comes out to the benefit of. It comes out to the benefit of the Labor Party. Strange that. What about the amendments of the Greens (WA)? It is a fascinating group of amendments; it departs even more from vote, one value. I am sure we will hear some very good arguments about how the Greens can manage to hold two points of view at the same time. I say that because I have heard the Greens do that on many occasions before when a value they held in one place was reversed in another. It is nothing unusual. In fact, in not just areas of voting but in any area a person can think of, the whole party manages to keep a different point of view to suit them depending on what happens. They have come up with an idea that, quite plainly, is intended to ensure that there is a seat in most of the electorates in the upper house that they are most likely to win. What a great idea. Admittedly, they have had to forgo the possibilities in regions that currently have seven members.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

They have obviously worked out that it is not a bad idea to give themselves a reasonable go in the upper house with those regions that have six. That is why it is probably highly inappropriate for this to be called the One Vote One Value Bill 2005. It can be called almost anything but it cannot be called that. I hope the Greens feel free to support my amendment and that they have sufficient realism left in their minds to see that I am suggesting a better name. I suggest a neutral name, namely the Electoral Amendment and Repeal Bill, because it will be just that.

I wondered whether there was a precedent for this extraordinary use of the English language. This legislation is called the One Vote One Value Bill when it is not. There is a precedent; it is set out in George Orwell's *1984*. I have a copy that I purchased so long ago that it cost 60c!

Hon Murray Criddle: Pence?

Hon PETER FOSS: No, it is not that old; it was obviously purchased after 1966, but not much later. In fact, my copy was printed in 1966. It is probably one of the first decimal currency editions of this book. I am a great admirer of George Orwell who, as everyone knows, was a committed, practical socialist. He has written some of the best books on social justice that I have come across: *Down and Out in London and Paris* and *The Road to Wigan Pier* have brilliant suggestions about why social conscience is important. Being a socialist, he was also highly conscious of the wonderful ways of socialist parties. His two most famous books are *1984* and *Animal Farm*. My copy of *Animal Farm* is so old that it cost sixpence. It is actually not my copy.

Hon Derrick Tomlinson: That is the one you borrowed from me!

Hon PETER FOSS: No, it is not. The member can look at the frontispiece if he likes.

George Orwell ended up as one of the most trenchant and effective critics of how socialists - in other words, not people interested in socialism but interested in running socialist parties - behaved. In the appendix to *1984* we find a wonderful description about why it is that this legislation has been called the One Vote One Value Bill. The appendix deals with the principles of newspeak. It states -

Newspeak was the official language of Oceania and had been devised to meet the ideological needs of Ingsoc, or English Socialism.

...

The purpose of Newspeak was not only to provide a medium of expression for the world-view and mental habits proper of the devotees of Ingsoc, but to make all other modes of thought impossible. It was intended that when Newspeak had been adopted once and for all and Oldspeak forgotten, a heretical thought - that is, a thought diverging from the principles of Ingsoc - should be literally unthinkable...

In other words, we cannot say that this bill does not bring in one vote, one value because we know it does: Parliament has declared that the bill brings in one vote, one value. The fact that the reality of the matter is that is a carve-up between Labor and the Greens is not allowed to be mentioned because Parliament has already declared that this is a one vote, one value bill. The appendix continues -

... at least so far as thought is dependent on words.

It then discusses the A vocabulary, B vocabulary and C vocabulary. We are using B vocabulary words by calling this legislation the One Vote One Value Bill. The appendix to *1984* states -

The B vocabulary consisted of words which had been deliberately constructed for political purposes: words, that is to say, that not only had in every case a political implication, but were intended to impose a desirable mental attitude upon the person using them.

Whenever we talk about this bill we have to keep saying that it is a one vote, one value bill and we think positive things about it. It continues -

Without a full understanding of the principles of Ingsoc it was difficult to use these words correctly. In some cases they could be translated into Oldspeak, or even into words taken from the A vocabulary, but this usually demanded a long paraphrase and always involved the loss of certain overtones. The B words were a sort of verbal shorthand, often packing whole ranges of ideas into a few syllables, and at the same time more accurate and forcible than ordinary language.

...

Some of the B words had highly subtilized meanings, barely intelligible to anyone who had not mastered the language as a whole.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Page 246 states -

As we have already seen in the case of the word *free*, words which had once borne a heretical meaning were sometimes retained for the sake of convenience, but only with the undesirable meanings purged out of them. Countless other words such as *honour*, *justice*, *morality*, *internationalism*, *democracy*, *science*, and *religion* had simply ceased to exist. A few blanket words covered them, and, in covering them, abolished them. All words grouping themselves round the concepts of liberty and equality, for instance, were contained in the single word *crimethink*, while all words grouping themselves round the concepts of objectivity and rationalism were contained in the single word *oldthink*. Greater precision would have been dangerous. What was required in a Party member was an outlook similar to that of the ancient Hebrew who knew, without knowing much else, that all nations other than his own worshipped 'false gods'. He did not need to know that these gods were called Baal, Osiris, Moloch, Ashtaroth, and the like: probably the less he knew about them the better for his orthodoxy. He knew Jehovah and the commandments of Jehovah: he knew, therefore, that all gods with other names or other attributes were false gods.

That is what we have here. If, as it is said by the Minister for Electoral Affairs, this is one vote, one value, it is. It is impossible to think of it as anything else. Any suggestion to the contrary is heretical. I cannot say that this is not one vote, one value because it is said that it is. Therefore, it is. The appendix continues -

No word in the B vocabulary was ideologically neutral. A great many were euphemisms. Such words, for instance, as *joycamp* (forced-labour camp) or *Minipax* (Ministry of Peace, i.e. Ministry of War) meant almost the exact opposite of what they appeared to mean.

That sounds remarkably like this. This is a one vote, one value bill that is not a one vote, one value bill but it is said that it is and therefore the words mean that is. It continues -

Other words, again, were ambivalent, having the connotation 'good' when applied to the Party and 'bad' when applied to its enemies. But in addition there were great numbers of words which at first sight appeared to be mere abbreviations and which derived their ideological colour not from their meaning, but from their structure.

The government has taken a word and misused it. It is trying to pretend that this is an improvement, whereas the combined effect of Labor and the Greens (WA) is retrograde. It is overtly contrary to what has been said and is a misnomer.

I have a general comment that I would like to make that I could not make during the course of the second reading debate because we did not know about it. The government and the Greens seem to have picked up a concept that appears to have come from Queensland. One of the most extraordinary things that was said during this debate is that Western Australia is the last place to get one vote, one value. Queensland has laa laas that are based on a two per cent area basis with a 20 per cent variation. I do not know how it can be said that this legislation provides one vote, one value when it has mythical allowances and notional people have been substituted for real people. The reality is that in the end there will be a certain number of people in an electorate. Some of the figures we have seen are quite extraordinary. One electorate has 10 000 real voters and 12 000 mythical voters. The government has said that achieves one vote, one value! For example, Kimberley will contain 16 000 real people in an area of 419 000 square kilometres and 6 286 laa laas, fairies or mythical people. Therefore, it is supposed to be all right. If they are given vote weighting, that is anathema. That is a bad word. In newspeak "vote weighting" are bad words and "one vote, one value" are good words. According to the government and the Greens, one vote, one value is obtained by having laa laas, who are mythical people. They are not real; they appear in number calculations but never turn up to vote. Labor hopes laa laas will always vote Labor. They should because one need only take off an "a" and add "bor" to make Labor.

Hon Derrick Tomlinson: Of course, the laa laas are not votes given to mythical people; it is votes given to 1.5 square kilometres.

Hon PETER FOSS: Yes. I will ask the government about this, and I hope that the Greens will pay attention to it. In Murchison - these are notional figures; it could be worse or better - there will be 10 000 real people and 12 572 laa laas. Is this one vote, one value? This is the Greens' model, which is supposed to be an improvement on the government's model. We do not have one vote, one value between these distant areas. The numbers of voters are 16 000, 18 000, 10 000, 9 000 and 14 000. Eyre, which is of course a Labor seat, will have 9 000 voters and the Pilbara in the Mining and Pastoral Region will have 18 000 voters. This is supposed to be one vote, one value. The Greens have told us that they have made a big difference. They said that they did not like

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

the idea of not having one vote, one value in that area, so they included this provision, but with laa laas and fairies, and somehow it is meant to be better.

Another interesting thing is that we have some laa laas in the Agricultural Region, although there are not very many at all. The fascinating thing is that the legislation contains variations. The variation from the quotient shows that to make this model work practically, every electorate in the Mining and Pastoral Region has to go under the quotient and practically every electorate in the Agricultural Region has to go over the quotient. Who does that benefit? I might just check my figures in case I have got it wrong. I think it just might benefit Labor again. It could do. In fact, I think that if I were able to say so, I could say with some confidence that this is not one vote, one value and that it will benefit the Labor Party. I cannot say that because, as we know, it is the One Vote One Value Bill. We have been told that. We will have it forced down our throat as an act of Parliament that this is the One Vote One Value Bill; there will be no disagreement.

Hon Derrick Tomlinson interjected.

Hon PETER FOSS: Who knows? George Orwell's *1984* deals with the idea of socialists who want people to not only shut up, but also really believe the socialist ideology. Socialist governments around the world have displayed this tendency. I refer members to the wonderful Russian constitution. The USSR constitution had even more rights, liberties, privileges and participatory democracy for the people than almost any other country in the world.

Hon Derrick Tomlinson: You gotta believe it!

Hon PETER FOSS: People had to believe it, or else they would end up in Siberia, a gulag or a mental hospital. People had to be classified as insane because they disagreed that it was freedom. This is step one.

Many years ago at a dinner club I belonged to in London, I heard a wonderful speech by an eminent Queen's Counsel from South Africa. He had a practice in South Africa and London at the time. He had made a remarkable transition from being a commercial silk in South Africa to being a commercial silk in London. He was highly successful and very respected. Although he was a commercial silk, he had the distinction of having done a lot of pro bono work in South Africa. He had worked also for Steve Biko. He was a man with a substantial social conscience. He spoke at the dinner club about how South Africa had lost its freedom and how its rights were taken away bit by bit, usually by making procedural changes to legislation. What impressed me about his speech was a joke he told at the beginning of his speech that was interracial in nature, and we all laughed. However, after he spoke for about half an hour he told the same joke again and nobody laughed. He had spoken so powerfully and convincingly that our attitudes had been changed. It is possible to take away our freedoms bit by bit.

Strangely enough, I suppose I do not mind the gerrymander that has been worked out between the Greens and Labor. The biggest problem I have is not only are they not prepared to admit it is not a true one vote, one value model, but also they want to thrust it down our throats and make us say that it is a true one vote, one value model. They know and we know that it is not, but people are not allowed to think that or say it. The One Vote One Value Bill will be passed because the government has the numbers and we will all admit it is a one vote, one value bill because we are given no choice.

Hon Derrick Tomlinson: We have said so.

Hon PETER FOSS: It would be better if the member could speak in a Russian accent because that is the type of thinking that has gone into this legislation. This is typical socialist thinking. Why are we getting it? We have the left and the super left: Labor and the Greens. The rabid socialists opposite never seem to learn from the experience of the Soviet Union and the Iron Curtain that political ideologies cannot be forced down people's throats. The government cannot tell the people that they will believe in it because in the end they will not put up with it. I find it objectionable. It is propaganda and it is socialist mind-bending. One of the reasons I do not like socialism is that it does not allow people to think, to be independent or to look after themselves. I hate the way socialists try to tell people that they are doing it for the people's good.

I have an amendment to make. I want to raise a matter with the Greens because there is an interesting aspect of this bill regarding the laa laas. I hope they do not mind me calling them laa laas, because it is easier than talking about the notional voters that will go to the remote areas by reason of the large-district allowance.

Hon Derrick Tomlinson interjected.

Hon PETER FOSS: It is called a large-district allowance in the amendment that has finally arrived. I think the Greens (WA) did that to try to stop us saying "laa laa". It was called the large-area allowance, but that has been changed. They did not like us using the term "laa laa", so we will not be able to use it now!

Extract from *Hansard*
[COUNCIL - Tuesday, 3 May 2005]
p1033b-1066a

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon Paddy Embry: It won't stop you, honourable member.

Hon PETER FOSS: No; I will keep calling them laa laas whether the Greens like it or not. The fact that they tried to change the abbreviation so that I could not call them laa laas does not get to me; they will be called laa laas.

Hon Derrick Tomlinson: Perhaps in keeping with the socialist agenda, they are Ladas.

Hon PETER FOSS: Ladas; I will call them laa laas. The question I have relates to an amendment to be moved by Hon Christine Sharp. This could be quite vital to how this legislation will work. It states -

If a district has an area of 100 000 square kilometres or more, subsection (2) does not apply but the sum of -

It goes on. When we were told about the laa laas we were given not only a series of numbers but also some maps. I had a little look at this map. I will perhaps table it, because it is fairly important that members know what I am talking about. I have a map of the whole of Western Australia. It has a few words written on it, like Kimberley, Murchison, Pilbara, Eyre, Dundas and Roe. The divisions are indicated on it and lines have been drawn. It is fascinating that almost more offshore area has been designated than onshore. I ask members to have a look at the map. I do not know where the boundaries go out to. It is obviously not the three-mile limit; it must be to offshore islands, rigs, shoals or something of that nature. There is a big square out to the left. I do not think that is Rottneest. For instance, there is a little square next to the word "Kimberley", which is the third square from the border. Less than a quarter of the area is land.

Hon Derrick Tomlinson: You mean the laa laas include water?

Hon PETER FOSS: I do not know. That is the question I ask: does a laa laa include water? I understand that the map was prepared by the WA Electoral Commission, which seems to think that the laa laas include water.

Hon Derrick Tomlinson: It sounds fishy to me.

Hon Robin Chapple: To clarify, there are two maps; one concerns the electoral boundaries and one concerns the local government boundaries. They are on the same map.

Hon PETER FOSS: That concerns local government. Right. I hope that means that we have an assurance that the area does not include anything that might be considered to be sea. I would like to know where it says that, because it does not actually talk about land area. It worries me a smidgen because, at least as far as this map is concerned, a significant bit of sea is encompassed in the squares on the map. I ask the parliamentary secretary to have it all nicely prepared for when we get to that clause, so that she can let me know not just the intention but also the law. I am not interested just in the intention; I am interested in the law. I would like to know whether the parliamentary secretary can categorically assure me that, as a matter of law, we are talking about land area and that we are not taking into account any intervening sea that might go out, for instance, to an island. For example, what is the island that is indicated on the map just above Geraldton? I do not remember an island of that size off Geraldton.

Hon Murray Criddle: It is a group of islands.

Hon PETER FOSS: It is a group of islands, not a single island. That is a good point. What about the Houtman Abrolhos group? I take it that all the islands may be included. Will it go just to the high water mark or to the three-mile mark, because the three-mile limit is obviously part of Australia? It would go out to three miles beyond the Houtman Abrolhos and then back to the coast again. Can we be given a categorical assurance that, as a matter of law - I might paraphrase a previous Labor Prime Minister by saying that I am interested in the L-A-W - the laa laas will not take into account a whole area of sea?

The next thing we found out is that people have some very strange ideas. When I heard Hon Ray Halligan's contribution, I thought that when he was talking about the bioregions he must surely be talking about the lunatic fringe embracing that idea and not people of some sort of normal intelligence. It was quite an alarming statement. One can always go into any green writings or green seminars and find some weird blimming concept being put forward. If one took them seriously as being the views of the Greens party as a whole, one would think we were continually dealing with a group of lunatics. I assured myself that the honourable member was being quite alarmist in his reading. However, to my absolute horror, I found the same view being quite seriously put forward by the Greens. I then became quite alarmed about how we were going to divide the state according to these bioregions, because this concept of how we will all get along and do it on some natural basis and so forth bears an amazing resemblance to some of the strange ideas of Karl Marx. I must confess that it is not the first time that I have been seriously reminded of the writings of Karl Marx when I have heard the Greens speak.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

I studied Karl Marx at university as part of my political philosophy units. It was very useful, because I keep hearing catchphrases that I recognise about how economics will work. Strangely enough, they are not new at all; Karl Marx used them many times before. The concept of us being a self-dependent little group, and that it will be each according to his ability to each according to his need, sounds awfully like some of the words I heard from Hon Chrissy Sharp. Mind you, it is not the first time I have heard her speak some weird Marxian ideas. It did not surprise me to that extent. I must say that I became extremely worried when I heard this agreement between Hon Ray Halligan's words and what was being said by Hon Chrissy Sharp. It seems that a Marxist utopia is being considered as the ultimate way to go. It concerned me when I started to look at how Hon Chrissy Sharp considers this will work. These ideas about how the area should be divided are creeping into the amendments that the Greens wish to make. That worries me a little. I might be unhappy if I hear that, but I would like to hear a little more about this when we get to the relevant part of the bill, because this could be something that greatly concerns me.

The other matter I have mentioned before is the question of the partial entrenchment of part IIA of the Electoral Act. I am pleased that Hon Norman Moore has put an amendment on the supplementary notice paper that proposes total entrenchment; I support that view. I previously made a speech on this subject: I believe that constitutional change should not take place without a degree of acceptance in the community, and sometimes work must be done to get that acceptance. I was a member of the first Constitutional Centenary Conference that took place in 1991. It was held in camera and enabled some useful views to be exchanged on a non-attributable basis, and it led to agreement by the federal government to promote constitutional change over 10 years through a process of participation and discussion. If change is to be made to the Constitution, one must try to take the people along with the process. That sensible approach disappeared as soon as Hon Bob Hawke was replaced by Hon Paul Keating, who thought the Constitution was a better area for fights and political campaigns than accord.

We will not see such close numbers in this house again. The benefit of close numbers in this place is that a degree of accord with the other side of this house is needed to make changes. I thought the Greens supported that situation. I am very concerned that the net result was that if this bill were passed without some entrenchment, the next measure introduced would be some unknown irresistible deal from the Minister for Electoral Affairs. I am sure he has not given up. He has not managed to fiddle everything to his advantage, and the Greens gave him a bit of a go with the laa laas, but he has not brought everything to his benefit. Once he got the opportunity, he might seize it. He might get control of the upper house and have a majority without the Greens. That is unlikely, as the Greens tried to amend the upper house to ensure he could not do that. It is a possibility that needs to be considered. That accord was achieved since this house has had close numbers. Even though it was perhaps not originally looked for, I think it has been beneficial.

I am pleased that amendment has been proposed by Hon Norman Moore. I see another amendment is proposed by Hon Alan Cadby, which I hope will be accepted. Strangely, as the bill currently stands, amendment can be made as long as it applies to the principle of one vote, one value. Therefore, we could move back to the old system, which gets closer to one vote, one value than the bill under its current wording. One vote, one value is to be got rid of entirely in the Mining and Pastoral Region. Even with the laa laas, we seem to have departed from that principle. The figures given by the Electoral Commission remind members that we can have vast differences in numbers between metropolitan seats, and more laa laas than real people in the mining and pastoral seats. It seems quite simple to move towards one vote, one value by going back to the status quo. It is still a bad idea. The better way is to say that nothing can be changed unless some measure of accord is reached in this house, and also a measure of accord is reached out in the community.

I make one final remark about the difference between this legislation and the current situation. It is rather interesting that except in 1989 when the current legislation gave Labor a majority when the coalition gained 54 per cent of the vote -

Hon Derrick Tomlinson: With a majority in the lower house.

Hon PETER FOSS: Indeed. So, except for in 1989, it has been a very fair system. Whichever party received the majority of the popular vote has formed government. If an outcome of that measure is needed, that is a pretty good outcome. I think we are becoming confused between outcomes and standards. I can understand how that happened as we have a minister who does not know the difference between outcomes and standards, but the outcome of the system has generally been fair. The outcome in 1989 was unfair not because of country vote weighting, but because of the Burke gerrymander clause. One good thing about the bill before us is that it will remove the Burke gerrymander clause. With all due respect to Hon Alan Cadby, the high voter numbers in Wanneroo were due not to the country vote weighting, but to the Burke gerrymander clause.

Hon Alan Cadby: They were very high numbers.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon PETER FOSS: They were, but country vote weighting cannot be thrown out because another area has caused a problem. Why it happened must be considered. It happened because of the Burke gerrymander. The system arrived at a division of electorates on the basis of a number that might never be correct. It was like saying that a stopped watch is more accurate than one that loses a minute each day because the stopped watch is spot on twice a day. However, another watch is needed to tell whether that is the case. The reality is that the real cause of the major disparity was the Burke gerrymander clause, which would not have been picked up if not for the Legislation Committee. Hon Paddy Embry was a member of that committee. It decided that the clause had to go so that the state could be divided on real numbers, not on someone's guess what the population might be in six years.

Hon Paddy Embry: Dead right.

Hon PETER FOSS: It was based on demographic trends. If one measure in this entire bill gives a better and fairer distribution, it is that amendment. That amendment was not derived by the government, but by the unanimous recommendation of the Standing Committee on Legislation.

Hon Paddy Embry: Hon Adele Farina was there.

Hon PETER FOSS: Hon Adele Farina was on the Standing Committee on Legislation that recommended getting rid of the Burke gerrymander clause.

Hon Ken Travers: We'll have to take her back for therapy - she's only just got over that!

Hon PETER FOSS: She was a very valuable participant. I have to give credit to Hon Adele Farina. Her legal training and experience had a good impact on her as she has the ability to deal with matters in an unemotional, analytical and non-partisan manner. I am sure she would like to think that that is how she tackled that piece of legislation, although I might not agree. I have digressed. Hon Ken Travers is very good at causing me to digress. I do not intend to spend more time on that aspect.

In terms of outcomes in the lower house, the current system has been very fair. Frankly, if there is one way to judge this matter, it is through outcomes. Forget all the principles, theories and such matters, it must achieve a fair outcome. If they do not translate to a fair outcome, they are not worth the paper they are written on. My concern is that this legislation will end up subverting that process. We will end up with a process that will probably give government to Labor irrespective of the popular vote until such time as there is a sufficient swing for Labor to lose government. That can happen. We saw that with the Queensland gerrymander. In the first instance, Labor held sway under its gerrymander for 20 years. Finally, the people became so fed up that even the gerrymander could not resist. Of course, the late Sir Joh Bjelke-Petersen got in and he had a ready-made gerrymander and he used it for 20 years. That might have worked out in the end, but whether it was very good for the people of Queensland to have two successive 20-year gerrymanders is questionable. They were lovely theories but bad outcomes. I hope that we do not end up with a bad outcome from this legislation, despite the wonderful theorising by everyone in this place. I know how this legislation came about. It started with the maps. We know that it started with the maps because that is the first thing we got. Did we get words? No; we got the maps and the numbers.

Hon Derrick Tomlinson interjected.

Hon PETER FOSS: In fact, the maps even anticipated what the Greens (WA) wanted, because they were drawn up prior to the Greens making their agreement. We got the maps and the numbers and we finally got the words and the principle that we are supposed to embrace. As I said, it is the old system. It is just dressed up as a new system. It is dressed up with commissioners who give the results that were drawn up on the maps in the first instance. The reality is that we have had something that has resulted in a fair system for electing government in the lower house. Has it given a fair system in the upper house? Again, the outcome has been fair. Whoever wins the majority of the popular vote gets the majority of numbers in this place. That is fair. Has it given anybody a massive majority in the upper house? No. Is that a good outcome for the people of Western Australia? I think it is. On the basis of principle and standards, which I think are pretty dodgy, we have fudged the figures to give us an outcome that will be deleterious not only to my side of politics but also to the people of Western Australia and to democracy. Whatever can be said about the principles and standards, the reality is that the outcome will be bad for Western Australia. More importantly, it will be bad for country Western Australia. What I have said all along, and what was said in the Standing Committee on Legislation, is that if we believe in one vote, one value, and if we believe in the other matters set out in the Electoral Act on how to achieve fairness in representation and representative democracy, the number of lower house seats should be increased. It would dilute the influence of lower house members, but at least they would be able to spend some time in their electorates finding out the things they need to know.

Hon Alan Cadby: Why didn't the Liberal Party make that amendment when it was in their house?

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon PETER FOSS: Because the number of members that need to be added is very significant indeed. I have been suggesting this for a long time. The government will not accept the sorts of numbers that are necessary to give it one vote, one value and keep adequate country representation. Do members know why? The government knows that the people do not want more politicians. Members of the Chartist movement are not marching in the streets and saying, "Give us more politicians in the city, give us more votes and give us more representation." People are not waving banners and filling the balconies. Where is the anxious public today? Where is the crying demand for reform? Where are the members of the public who really believe in this and the people who are prepared to die for democracy?

Hon Alan Cadby: They are probably the same people who are not protesting against the bill.

Hon PETER FOSS: I am afraid that those people have now given up. They did protest before and they did turn up.

Hon John Fischer: They raised a lot of money to try to stop it.

Hon PETER FOSS: They put their money where their mouth is. I will refer to one thing in Hon Alan Cadby's speech that absolutely astounded me. Like people in the country, he, too, has the disadvantage that country people have. I do not doubt that services in the metropolitan region can be cut.

Hon Alan Cadby interjected.

Hon PETER FOSS: No, the people in the member's constituency. I spent some time in the country recently. I drove to Hyden, down to Hopetoun and across to Denmark. Guess what? How much telephone contact did I have during that time? Not much. How much time does it take to drive any one of those legs? How much time does it take to drive from Perth to Hyden? How much time does it take to drive from Hyden to Hopetoun? How much time does it take to drive from Hopetoun to Denmark? How much time does it take to drive from Denmark to Perth?

Hon Barry House: Lots.

Hon PETER FOSS: It is virtually a day for each leg. Interestingly enough, some of those distances can be found in just a couple of seats. I can get to my farm in Gingin in three-quarters of an hour. It is outside the metropolitan area. At worst, it takes me three-quarters of an hour.

Hon Bruce Donaldson: That is in my electorate.

Hon PETER FOSS: I thank the member. At worst, it takes three-quarters of an hour to get to Royal Perth Hospital - while it is still there. I could go to Joondalup hospital. I do not know how long it would take me to drive from outside the metropolitan area to Joondalup, but it would not be very long. How long does it take to get from Mt Many Peaks or Cape Riche to Albany so that a member can get flown to Perth?

Hon Paddy Embry: Well over an hour.

Hon PETER FOSS: Well over an hour. How long does it take to go by road from Mt Many Peaks or Cape Riche to Perth by ambulance?

Hon Paddy Embry: Jerramungup and Bremer Bay are even further.

Hon PETER FOSS: Yes, Bremer Bay, Hopetoun or Esperance. I suppose that in Esperance a member could at least get a plane after a while.

Hon Alan Cadby interjected.

Hon PETER FOSS: I think it is ludicrous to say that a similar position is faced by people on the outskirts of the metropolitan area.

Hon Alan Cadby: I am talking about services, such as doctors.

Hon PETER FOSS: There are doctors in the metropolitan area.

Hon Alan Cadby interjected.

Hon PETER FOSS: I can show the member some places that have none. Doctors and lawyers galore can be found in Narrogin. Practically all the other towns in that area have none. When I was Minister for Health, one of the total and abiding things I did was try to get doctors. We even put in one town a doctor who was certified mad. He was so mad that he did not even know whether he had to take his medicine. He stopped taking it and felt up the matron. Everyone in town was furious.

Hon John Fischer: What did the matron think?

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon PETER FOSS: She was not happy. Half the town said that they had to get rid of this madman and the other half asked what they would have instead. It was not all that far from Merredin. That is the sort of problem that country people face. They had a doctor but he was mad. We tried to have him struck off on the basis that he was mad, feeling up all the nurses and not taking his pills. Do members know what they did? They cautioned him and told him that he had to have some people talk to him. I am pleased that the one good thing that has come out of the State Administrative Tribunal is that he might be able to be struck off, except that the Medical Board of WA probably will not prosecute him.

Hon Sue Ellery: Is his madness or otherwise relevant to the debate?

Hon PETER FOSS: It is highly relevant because I am replying to the suggestion that members have the ability to get around these areas and that country vote weighting is not justified as it is exactly the same as the metropolitan area in many ways. The reality of the matter is that country people do not have services and they have enormous differences. It is extremely difficult -

Hon Paddy Embry: They would be pleased to have a half-mad doctor rather than no doctor.

Hon PETER FOSS: They were happy to have a totally mad doctor instead of no doctor. That was what they preferred. The suggestion that country people are no worse off for services than are some people in the metropolitan area is nonsense. If someone has a heart attack in some of those country places, he dies. Heart attacks in those areas are fatal, not just an unfortunate occurrence that sees people taken to hospital for a quintuple bypass - they die. That is one of the fundamental differences, yet we say that those people do not need more representation except when we can give them some laa laas. If people merit laa laas they are okay; if they do not merit laa laas, they are not.

The DEPUTY CHAIRMAN (Hon Adele Farina): Order! I take this opportunity to remind members that debate on clause 1 of the bill is not an opportunity to debate the general policy of the bill but merely an opportunity to allow members to consider the drafting and technical details of other clauses or to tie up consideration of the details of a number of clauses at the same time. It is not meant to be a free-ranging debate on the policy of the bill, so I ask the speaker to take those comments into consideration when continuing his remarks.

Hon PETER FOSS: Thank you, Madam Deputy Chairman. I raised this point during the second reading stage, when I was asked to deal with the policy of the bill. I said that we would not know the policy of the bill until we knew what the amendments would be. The difficulty I have, of course, is that all we really know about this bill at the moment is that it is called the One Vote One Value Bill.

Hon Simon O'Brien: You have moved an amendment to change that, so that goes directly to the substance of what you are saying.

Hon PETER FOSS: I have not moved it yet, but it does exactly that. This is not a one vote, one value bill. That is a myth. I am having to explain it in more detail because I am having to deal with clauses and principles that were not in existence at the time of the second reading debate. I raised this point with the Leader of the House and asked that he appreciate the difficulties we would have once we lost the opportunity to talk on these matters and when new matters came up in the amendments. These are not amendments that may or may not happen. We have had an indication from the government and from the Greens that they will support these amendments. We have had an indication from Hon Alan Cadby that he will support whatever comes out of the committee stage. I am now stuck with a whole lot of new principles, like the laa laas, which were not there earlier on.

Hon Murray Criddle: Not just you; we all must contemplate them.

Hon PETER FOSS: We all must contemplate them. The difficulty we have is that it is very hard to deal with them in a cohesive way on the first clause, because we have now been presented with something that is radically different and worse than that with which we started. We understand that there is even more to come. One of the things we cannot talk about in this debate is that there will probably be 59 members in the other place. We cannot talk about that, because it will be covered by another bill.

Hon Derrick Tomlinson: What bill?

Hon PETER FOSS: The one we do not know about.

Hon Derrick Tomlinson: Like the bill we had last week.

Hon PETER FOSS: Perhaps I might say -

Of that there is no manner of doubt -

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

No probable, possible shadow of doubt -
No possible doubt whatever.

We cannot talk about it because, without any doubt whatever, we do not know what it is. I refer members to the Grand Inquisitor, Don Alhambra, who in *The Gondoliers* faced exactly the same problem and offered the same solution.

Hon Simon O'Brien: It is difficult to debate something when you do not know what it is.

Hon PETER FOSS: I will talk about something that is relevant to the bill as it is about to be amended. That is what I was doing. I felt it necessary when I was doing it to point out that if the outcome is based on the fact that it is fair to take away country representation in the way that is now proposed and that, as I understand it, Hon Alan Cadby thinks it is no more difficult to get services in Hyden or Eucla than just out past Joondalup, it is based on a misapprehension.

Hon Paddy Embry: You would know the difference if you had a young child who had an asthma attack.

Hon PETER FOSS: As Hon Paddy Embry knows very well. I would agree with that. At this stage, having used my honeyed words to try to persuade the government and the Greens to support my amendment, and, as I can see, obviously having impressed them with the need for honesty and some sort of integrity in this process, I realise my amendment will not change one word, jot or tittle of the effective provisions of this bill, but I do believe that at least it respects the truth of the bill. It does not go so far as to say that it is a Greens and Labor carve-up bill, which is a tempting change to the title. I would not ask them to agree to that, even though I think it might be true.

Hon John Fischer: It is the truth.

Hon PETER FOSS: It might be the truth, but we are not dealing with the truth; we are dealing with what is acceptable. I think we should not be asked to swallow this lie. I do not think that they should be asked to swallow that truth. However, I do think there should be something neutral in the middle that merely says that what this bill does is amend the Electoral Act, repeal the Electoral Distribution Act and make other amendments. That seems to be fair. If they cannot concede that, we must wonder how dictatorial an attitude the Greens are prepared to take. I would hope that if I have built up any goodwill over the years in the Greens with my reasonableness and ability to point out -

Hon Christine Sharp: Why do you not sit down and find out?

Hon PETER FOSS: I am about to move my amendment first. I hope that this is not merely a method to get me to shut up. I hope it is a sign of some form of acceptance: "Sit down and she'll be right." If I am wrong, I can always stand up again. I move -

Page 2, line 3 - To delete "*One Vote One Value*" and insert instead "*Electoral Amendment and Repeal*".

Hon CHRISTINE SHARP: In my limited experience in this place from time to time bills have come before us which do indeed have quite misleading titles or inaccurate titles. Casting my mind back over the very recent past, I recall that just before we rose at Christmas we were involved in the passage of the Higher Education Bill. My view of that bill is that it was about lowering the standard of education. We could argue that that bill had a very misleading title. We Greens on the crossbench have discussed the amendments on the supplementary notice paper. We have decided that we will support Hon Peter Foss's amendment.

Hon Peter Foss: I am grateful.

Hon CHRISTINE SHARP: As I said at some length during my contribution to the second reading debate, we have accepted, indeed advocated, that this bill has some very important qualifications to the application of one vote, one value in a purist, simplistic model. As will be evident in the amendments that will be following later this evening, we believe that it would be wrong for this bill to pursue a simplistic and purist approach to the application of one vote, one value. We have said all along, for months and years, that in a state where 73 per cent of the population live effectively in one city and the rest of the state covers one-third of a continent, it is clearly not that easy to apply a simplistic version of one vote, one value. That is our position. We believe it is a very sensible way forward. However, there is no doubt that it qualifies for the application of the principle of one vote, one value. Therefore, we are satisfied that it is reasonable to also amend the title of the bill.

I will refer briefly to not the wildest accusations in Hon Peter Foss's presentations but perhaps the more important ones. He continued to touch on the fact that this bill directly pursues the self-interest of the Greens (WA). I also raised that in my contribution to the second reading debate, and I have no intention of boring the house by repeating the same information. However, a considerable body of quite objective information shows

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

that his hyperbole is totally disingenuous. He also touched on the fact that the Greens seem to be able to hold two different positions simultaneously. Yes, we can hold two different positions simultaneously, because there are two houses of Parliament. We accept the proposition that this bill be called the electoral amendment and repeal bill. We feel that is a more dignified title, that it is a less trendy and less simplistic title, and that it is more appropriate to aptly describe these very significant changes that are being enacted to bring a more progressive electoral system into play for Western Australia, which is largely based on the principle of one vote, one value.

Hon NORMAN MOORE: I am surprised to hear that the Greens will accept this amendment.

Hon Sue Ellery: So is the government.

Hon NORMAN MOORE: Pardon? I said I am surprised. I am entitled to be surprised because the honourable member has agreed to something to which I did not think she would agree. I suspect, by the look on the face of the parliamentary secretary, she is as equally surprised as I am.

Hon Sue Ellery: No, and we will support it as well.

Hon Kim Chance: We were always going to.

Hon NORMAN MOORE: Why did the government not tell us?

Hon Sue Ellery: We did not want to stop listening to his funny words.

Hon Derrick Tomlinson: They don't want to negotiate with us.

Hon NORMAN MOORE: I will just say a few words about the short title and the amendment that is now to be agreed to by the committee. This legislation is becoming an absolute farce. The government goes to the polls and tells everybody that it will have one vote, one value and that is its fundamental, core principle. There is an article of faith in the Labor Party: it is called one vote, one value. During the election campaign, because the government got a bit of a fright in some parts of the state, it decided to quarantine part of Western Australia, and the Mining and Pastoral Region will be exempt from one vote, one value. That was the first dent in this so-called fundamental principle of the Labor Party about one vote, one value. The moment the chilly winds start to blow around the goldfields the Premier gets on his jet and whizzes up to Kalgoorlie to announce that it is all over red rover; the government will not worry about one vote, one value any more and it is off the agenda. The fine print says that it is off the agenda in the Mining and Pastoral Region. That is the first breach of the government's -

Hon Paddy Embry: Holy grail.

Hon NORMAN MOORE: Yes, its holy grail; the principle that we have been told it has been fighting for for 100 years. The government then introduces its One Vote One Value Bill. How outrageous, for a start, that the government should do that, as Hon Peter Foss has clearly pointed out. It bears no relationship to one vote, one value because of the provisions for the Mining and Pastoral Region. As I tried to explain during my contribution to the second reading debate, not only has the Mining and Pastoral Region been quarantined from the rest of the state, but also the government decided for the grossest of political reasons to not require one vote, one value to apply to the seats within the Mining and Pastoral Region. The government just left that blank and said that the Electoral Distribution Commissioners could decide the boundaries in the Mining and Pastoral Region and they did not have to take into account the number of voters in the five seats. What sheer unadulterated hypocrisy! That is contained within a bill entitled the One Vote One Value Bill. During the election campaign the Premier jettisoned one aspect of the Labor Party's fundamental basic principle. The bill was then introduced in this place and, for the grossest of political reasons, basically to do over the Leader of the Opposition, it completely ignored the notion of one vote, one value within the Mining and Pastoral Region. The government then did a deal with the Greens, which was the next stage in the process, to give us these strange things called the LAA electorates. I will have them any time of the week if it means I can keep five seats in my electorate. This provides for seats having potentially fewer real voters than the imaginary voters based on the notional figures within the Mining and Pastoral Region. There is a potential seat of Eyre with 9 000 voters, and a Pilbara seat with 18 000 voters. That is about as far away from one vote, one value as one could possibly get. It is almost further away than the old statutory seats of Murchison-Eyre and Gascoyne-Pilbara and Kimberley back in the good old days. Here we go again! The Greens came along and said they wanted a change, and the government agreed to make the change. Once again, the fundamental principle, the holy grail, which we thought was sacrosanct, is totally flexible depending on the circumstances. That is another good reason for the bill to not be called the One Vote One Value Bill. I am pleased that the Greens have now worked out that it does not represent one vote, one value either. I am also pleased that the government has worked out that it does not mean one vote, one value. I guess the government will be making a public statement that it has agreed not to call this the One Vote One Value Bill,

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

because it has jettisoned its fundamental principle of one vote, one value. The honourable member should not shake her head, because that is what the government has done. Can the parliamentary secretary tell me what in the Mining and Pastoral Region relates to one vote, one value? It does not bear any relationship to one vote, one value at all. It goes further than that. In the amendments on the notice paper - I am not sure whether they will still be moved - the Greens have decided that they will change the membership of the Legislative Council to create their own state senate. They have not moved an amendment to call us state senators yet, but that might be something for the future, although they have proposed amendments describing where the three metropolitan regions will be. They say that the north metropolitan region will be the region generally to the north of the Swan River, the south metropolitan region will be the region generally to the south of the Swan River and the east metropolitan region will be that region that includes the hills and the foothills of the Darling escarpment. Those regional divisions do not currently exist because the Electoral Commissioner was quite capable of deciding the north, south and east metropolitan regions and because, under the current legislation there are seven seats in the North Metropolitan Region and five in the other two, the Electoral Commissioner organised the number of voters in those three regions to roughly correspond with the seven, five and five. This bill, introduced by the government, referred to north, central and south metropolitan regions, with no indication of where the boundaries were to be drawn. The Greens' amendment is for north, south and east regions, and no central region, but they have included a description of the locations. The amendments refer to "a region that is generally to the north of the Swan River". The Swan River goes all the way up to the hills where it becomes the Avon River. I do not know quite where one changes to the other.

Hon Kim Chance: I think it is in the Walyunga National Park.

Hon NORMAN MOORE: Yes. It is near the escarpment where one changes to the other. North of the Swan River covers places like Bassendean and Ellenbrook. All that territory is in the East Metropolitan Region at present. The Greens (WA) are putting in words that were not there before. It goes further than that. They refer to south of the river, which can be from south of the Avon River to the bottom of the metropolitan area. A lot of that territory is currently in the East Metropolitan Region. They then refer to the East Metropolitan Region including the hills and foothills but they do not say what else should be included. It has been suggested to me that the Greens may not progress their amendment. Another amendment is to delete the words "approximately the same number of". Those words are included in the government's bill to require the electoral commissioners to draw the boundaries for the three metropolitan regions taking into account that they should all have approximately the same number of electors. The Greens want to take that out of the bill. That means that the metropolitan boundaries could be drawn by having the North Metropolitan Region with approximately 500 000 to 600 000 voters, the East Metropolitan Region with 50 000 and the South Metropolitan Region with 100 000 voters because there is a vast metropolitan area north of the river and south of the river, which leaves the eastern corridor with the hills and foothills. If we were to even countenance such a change and there was no reason for the three regions to have the same number of voters, although they will have the same number of members, it would be another extraordinary departure from the notion of one vote, one value. I am trying to work out the government's principles in all this. Equally, I am trying to work out the Greens' principles. The amendments are on the notice paper, which gives the impression that the Legislative Council regions are going to be mucked around with. There are also proposed changes to the South West Region; namely an amendment that states, "includes coastal and forest areas in the south-west". What does that mean? Will it mean only that? Why include it anyway? There has never been a problem in the past with the Electoral Distribution Commissioners deciding where the regions will be drawn. The Greens are trying to be prescriptive here by telling the Electoral Distribution Commissioners that they must do certain things. I do not know why, other than to raise the issue that this has the potential to go a long way from the notion of one vote, one value. At least the Greens have been prepared to say that they will change the title of the bill. The government has also, but I suspect it is not because it wanted to. It is because it is going to get what it wants anyway. It demonstrates, without equivocation, the absolute and total hypocrisy of this whole issue and how the government's principles are totally flexible. They are as flexible as they need to be so the government can get what it wants. In some parts, this bill goes further from one vote, one value than we have now. I mentioned the two seats in the Mining and Pastoral Region: 9 000 voters in one electorate and 18 000 in the other. That is a long way from what we have now, which is a 15 per cent variation between all seats.

Hon Kim Chance: We are going from nine to 30.

Hon NORMAN MOORE: In the Mining and Pastoral Region?

Hon Kim Chance: No, in Western Australia.

Hon NORMAN MOORE: There is a difference between country and city.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon Kim Chance: How can nine to 18 be further from the principle of one vote, one value than nine to 30?

Hon NORMAN MOORE: Within the state of Western Australia the metropolitan quotient is different from the country quotient.

Hon Kim Chance: Exactly. We are changing that.

Hon NORMAN MOORE: I understand that. However, the government is telling us that the city seats should be the same as the country seats because that is its fundamental principle, yet it brings in a bill that allows for 9 000 voters in one electorate in the bush and another one alongside with 18 000 voters, and one in the metropolitan area with 22 000 voters. Does the government reckon that is one vote, one value?

Hon Kim Chance: Some of the seats are very big.

Hon NORMAN MOORE: The government told us that that was irrelevant. It has spent all its time telling us that the size of electorates is irrelevant and has nothing to do with it.

Hon Kim Chance: How would you like to service Murchison-Eyre at the moment, which is about 1.25 million square kilometres?

Hon NORMAN MOORE: I actually do. That used to be most of my old seat. I cannot believe this.

Hon Kim Chance: The government has understood this from the beginning.

Hon NORMAN MOORE: Then why did it not introduce a bill that acknowledges the fact that there are country seats that are very big indeed in the Agricultural Region?

Hon Kim Chance: We did.

Hon NORMAN MOORE: The government is allowing for 1 000 dummy voters. That is what it is doing by going along with the Greens. Without the change by the Greens, the government was going to leave country electorates in the Agricultural and South West Regions as big as they turn out in accordance with the decisions of the Electoral Distribution Commissioners. The government could not have cared less.

Under the government's legislation, there were to be four Assembly seats in the Agricultural Region. The Leader of the House ought to know because it is his electorate. There will be five seats in mine. That suits me.

Hon Kim Chance: Your electorate is eight times the size of mine.

Hon NORMAN MOORE: With half the voters. The hypocrisy is unbelievable.

Hon Kim Chance: It is not hypocrisy. You have made the point strongly that some seats are too big to be serviced practically. We have listened to what you said.

Hon NORMAN MOORE: The government has agreed, has it?

Hon Kim Chance: What are you complaining about? I cannot believe what you are saying.

Hon NORMAN MOORE: Has the government jettisoned the principle of one vote, one value?

Hon Kim Chance: No. Read the speech that Hon Sue Ellery made in response to the second reading. The government's attitude is very clear from that. Let's get on with it.

Hon NORMAN MOORE: We are getting on with it. We are getting on with it very quickly indeed. The way the Leader of the House is going, it is going to take a much longer time than he would like.

Hon Kim Chance: I was only trying to help you out. You seem to have a problem understanding the basics of this.

Hon NORMAN MOORE: What is the bill called? What did the government bring into the Parliament? Here it is; have a look. It is the One Vote One Value Bill 2005. That is what the government called it. The government tells us - it has been doing so until it drives us nuts - that there is a fundamental article of faith in the Labor Party that everyone's vote shall have the same value. The party has had it for 100 years as if Moses brought it down from the mountain. It has been taken and made part of the faith of the Labor Party. The party has been arguing for it for 100 years. It is immutable; it will not be changed. It is not something that the Labor Party can be flexible about. It is fundamental to its very being. That is what we have been told for years and years. When the government has a chance to get something done, it trots in here with a bill that it deliberately does not base on the fundamental principle of one vote, one value because the government knows that, by making some variations in some parts of the state, it will get a gerrymander that supports its position. That is what the government has done and that is why its members are hypocrites. The government worked out that the Mining and Pastoral Region is a big part of the world and so it will be quarantined. One vote, one value will not

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

be necessary in that part of the state because it is big. The government then discovered that it would be done over in the seat of Murchison-Eyre. The candidate had already breached a commitment to the electorate. He put some pressure on the government so the Premier changed a fundamental and basic reason for the being of the Labor Party. I am telling the Leader of the House that. On top of that, the government intends to create seats in the Mining and Pastoral Region in which the voting population in one is twice as big as in the other.

Hon John Fischer: It might have something to do with the fact that the government fears it will lose Murchison-Eyre.

Hon NORMAN MOORE: When I look at what has been trotted out by the Electoral Distribution Commissioners for the Mining and Pastoral Region, it is not all that bad from the point of view of the conservative parties. In fact, I did not think that the Labor Party would want the boundaries to be drawn like that because it could mean that they will lose a couple of seats. On the basis of this notional distribution, the Liberal Party would certainly expect to win the seats of Eyre and Murchison. I have no doubt that down the track the lines will be redrawn in such a way that what the government wants, the government will get.

I simply raise these points to indicate again that the government's so-called fundamental principle is totally negotiable, depending on the circumstances. That is hypocritical. Why does the Labor Party not stand up for its principle and introduce one vote, one value across the state and not deviate from it? It should argue that that is what it has always fought for and it wants every seat in Western Australia to have the same number of voters and every voter's vote to have the same value. Why did the Labor Party not do that? I would have thought that is what a principled party would have done. The Labor Party has few principles but it will jettison them to achieve what it wants to achieve. I can understand the Labor Party doing that because it wants to get the Greens (WA) on side. The government must jettison its principles to get this legislation passed in some form or another. It is prepared to negotiate and take as much as it can, even if it is not all that the government wants. I can understand that. However, the government's bill, which provides for the quarantining of the Mining and Pastoral Region and has no requirement for the seats within that region to be the same size, is the government's own work. It did that deal even before the Greens negotiated with the government. That was done for the grossest of political reasons: to create a gerrymander in remote Western Australia. It was a straight-out, simple gerrymander by the Labor Party that did not have to be done because of a deal it struck with the Greens. The government did not have to do it; it was done because of politics, and for no other reason.

Hon Paddy Embry: Plugging the holes in the boat.

Hon NORMAN MOORE: Exactly right. The government must be stitched up by the media for having few fundamental principles and for being prepared to jettison those few principles for whatever political advantage it can get.

In conclusion, I am interested to find out whether the Greens will continue with their amendment regarding the seats in the metropolitan area in the Legislative Council. If the Greens proceed with that, it will add another serious transgression to the notion of one vote, one value within the metropolitan area. I hope that that amendment will be deleted when we get to it. The opposition is very pleased that the government has supported our first amendment. I hope it is not the last amendment that it will support.

Hon ROBIN CHAPPLE: We support the amendment moved by the Liberal Party. When developing our preferred model, the Greens (WA) took a lot of information from submissions to the Commission on Government. I will read a couple of points that have been fundamental to our thinking. The government's recommendation to the Commission on Government states -

The Legislative Assembly cannot continue with the current arbitrary boundary line between metropolitan and non-metropolitan seats, with the present fixed allocation of seats. The Government considers that the Legislative Assembly should move far closer to a basic equality of enrolments. At the same time, there should be sufficient flexibility so that areas remote from Perth, or with disbursed populations, retain adequate representation.

The Liberal Party's submission to Commission on Government states -

The principle of equality of representation is not an absolute, overriding value. The Liberal Party believes that 'one vote one value' should never be pursued as an absolute, but must be considered in factual context.

In regard to the Senate-style model to which Hon Norman Moore referred, the Liberal Party stated -

Attempts must be made to repeat the success of the Federal Senate at the state level. **The LC, to fulfil its review function and maintain strength and independence must be formed from different temporal and geographical majorities than the LA.**

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

I congratulate the Liberal Party on those words.

Hon MURRAY CRIDDLE: I support the amendment moved by Hon Peter Foss. It reflects what is in the bill, and particularly what was in the original bill. As we progress, I will make some comments regarding further amendments on the notice paper. When this bill was originally second read, the Leader of the House stated -

... the denial of equality of voting - that is, one vote, one value - remains today as an obstacle to accomplishing a truly democratic and representative system of government in Western Australia.

...

One impediment to representative democracy was not removed, and it remains in place; that is, the malapportionment of electorates. The bill seeks to remove this impediment and achieve for all Western Australians a system of representative government ...

Anybody who has read the original bill and who has seen the proposal for the Mining and Pastoral Region would know that those words do not ring true. Mention was made about living in the country and living in the city. I live in the country. Last year I drove 60 000-odd kilometres over 11 months. That means roughly a month of my life was spent in the car, which gives members some idea of the amount of time country members spend travelling from one place to another. When a power breakdown occurs in the country, the people have to wait for the technicians to travel to where the problem is before it is fixed. Anybody who thinks that living in the country is the same as living in the city is wrong. I would rather live in the country than in the city. I am happy with my lot, but people need to understand that there are downsides to living in the country regarding services. People do not have to drive far to reach the end of a bitumen road and go onto a gravel road. That raises a number of issues, including road safety, the time needed to travel, the cost of fuel and the amount of fuel that is consumed to travel. Other downsides include not having a swimming pool down the road and people cannot walk around Lake Monger or whatever at the drop of a hat. When Parliament is in session, I reside at West Leederville, which is not a bad spot to live. It is about 500 metres from Subiaco Oval. People who live there can walk to the cricket at the WACA or go to the swimming pool and have fun there to keep fit. All those amenities are right beside their doorstep. People who live near my country residence must drive for an hour and a half to get to the swimming pool or one hour to the coast - it is not bad on the coast. Older people in the country must travel to aged care facilities. I am surprised at some of the things that the Leader of the House has said recently. I think he has lost an appreciation of country living.

Hon Kim Chance: If somebody at Nullagine were given 10 votes, it would not make him any closer to Perth. I don't get your point. People are still as far from Perth with 10 votes.

Hon MURRAY CRIDDLE: We are talking about representation.

Hon Kim Chance: How does that affect their distance from Perth or from the swimming pool?

Hon MURRAY CRIDDLE: I did not say it did. It is their representation in Parliament that gives them the opportunity for the services to be put in place and for the quality of the roads to be improved. I do not have to talk for very long about that to be reminded that the government did not build the road between Cervantes and Lancelin. This government would sooner build a railway line or a number of other things in Perth.

Hon Kim Chance: How did the weighted vote help the Old Coast Road?

Hon MURRAY CRIDDLE: It is because the country people were represented in Parliament in the city. The way this legislation is going, the Labor Party will be elected by city voters alone. How does the minister think country people will fare then? Country people will not be represented.

The DEPUTY CHAIRMAN (Hon Adele Farina): Order! I remind members that the question before the house is that the words to be deleted, be deleted. The words we are looking to delete are "One Vote One Value" and to insert instead "Electoral Amendment and Repeal". I ask the member to speak to the question before the house and for the interjections to cease.

Hon MURRAY CRIDDLE: Thank you, Madam Deputy Chairman. If we are talking about one vote, one value, that is fine. I am saying that I do not accept one vote, one value, and that the representation of country people is paramount. That is my opinion and the opinion of a lot of people in the country. If members mixed with the people with whom I mix, they would get that message loud and clear, and so would the Leader of the House. I am reserving my right to put my opinion. The issue that I am bringing to this house is the issue that is regularly put to me. I attended a number of functions on the weekend. The first question I was asked was exactly that: what would I do about maintaining their representation? That is the point that I put to you, Madam Deputy Chairman.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

I am quite interested in what has been called the principle of one vote, one value in the Mining and Pastoral Region. The government has decided to move away from what I consider to be the principle of one vote, one value by giving that region five seats. Much of the debate up to this point has been about the fact that that reflects a variation of between 18 000 and 9 000 electors, according to the lines drawn on the map that we have been given. The National Party has had quite lengthy discussions on these issues with the WA Electoral Commission. The government has argued that this region needs these services because it is a remote area. The Greens did not agree to that earlier on principle, but have now come up with a formula. They are calling it the large-area allowance.

Hon Derrick Tomlinson: No; it is now called the large-district allowance.

Hon MURRAY CRIDDLE: Is it? I take it that that is in the amendments. The piece of paper I have with me calls it the large-area allowance.

Hon Derrick Tomlinson: That was not from the Greens; that came from the Electoral Commission.

Hon MURRAY CRIDDLE: I will take the honourable member's word on that issue. I see that it has changed. That formula allows for a number of dummy voters. I do not know why people do not stick to their principles and say that they will reverse the issue, because originally the Greens did not agree with that. The issue has been totally reversed to get us to the situation of having a formula that allows up to a minus 15.94 per cent variation in Dundas. That is one of the large-area allowances that will take the number of voters in that district from 14 000 up to 17 940. The Agricultural Region currently has large-area allowances of something like 1 600 for both Roe and Moore. Incidentally, given the boundaries that will be put in place, some of the boundaries in Roe will be something like 600 or 700 kilometres long, while in Moore they will be something like 500 or 600 kilometres long. That will mean that Moore will contain something like 26 shires, and Roe 13 shires. The people who will represent those areas will be very busy indeed. It will be very difficult for the people in those areas to see their representatives.

The National Party obviously has a couple of amendments on the supplementary notice paper, which will attempt to reinstate in the legislation the requirement that there be seven seats in the Agricultural Region and 11 seats in the South West Region. That is proposed because the electors in our area have not indicated that they have a problem with the current distributions. I have heard the arguments about there being 30 000 electors in Wanneroo, but that situation could obviously change within the metropolitan area. A far more equitable situation could be arranged in the metropolitan area. I simply have not had - I wonder whether the government has had - a request from the general population to put this legislation in place. That is a very interesting question that should be asked, and one that should be answered. I wonder whether the parliamentary secretary would outline the call to the government for this to happen, apart from the fact that the Labor Party has called for it to happen for the past 100 years. Other points of view have been put by some very learned gentlemen from the Labor Party right through to recent times. For instance, the member for Collie-Wellington, Mick Murray, is not at all happy with the changes to the electorates in the south west.

I support the amendment that Hon Peter Foss has moved as it better reflects the bill. I will certainly participate in the debate as we go through the bill and through its various clauses.

Hon ALAN CADBY: I support the amendment put forward by Hon Peter Foss. I thought it would be useful for the chamber to know of some of the discussions that I have had with various people, particularly about proposed section 16H(3) and the Mining and Pastoral Region. In a meeting I had with the Electoral Commission I asked what the situation would be if we got to a pure one vote, one value situation for the Mining and Pastoral Region. The response was that based on the number of people predicted in that area for 2008, it was likely to have a quota of 3.7, and that this might reduce in the following election to a quota of 3.5. I asked whether that meant three seats or four. I do not think I got a definitive answer. I went away thinking that I could support four seats in that area. Following that discussion, Senator Alan Eggleston, who is in the President's gallery, asked whether two members of the lay Liberal Party could come to see me. Those two people were either divisional presidents or former divisional presidents of the Mining and Pastoral Region. They were very strong advocates for their region. They believed that the Mining and Pastoral Region should continue to have the same number of members that it currently has; that is, five. I pointed out that that was what they would get under the bill, so for them there was no difference. I think they went away fairly satisfied that, first, I had listened to them and, second, the region would still have five members.

I was still unsure whether I should support five or go for four. I really wanted to go for four. Then I listened to the Leader of the Opposition in the other house, Matt Birney, the member for Kalgoorlie. In his speech he showed a great deal of support for the Mining and Pastoral Region being represented by five members. In fact, he was keen on the idea of extracting proposed section 16H(3), which talks about the Mining and Pastoral

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Region, from proposed part IIA and putting it in a different part so that he could support that proposed section without supporting the rest of proposed part IIA. People can accuse us of being hypocritical because we may not be going for a pure one vote, one value, but in reality we are doing what the Liberal leader wants to do; that is, he wants five members in that region. We are between a rock and a hard place: if we do not support the five seats in whatever form, whether it be the green or government model, we are accused of letting those people down, and if we support the five seats, we are told that we are hypocrites for not sticking to our principles. We cannot win. As it stands, I do not really support the government's position and I do not support the Greens' position either. However, at the end of the day, one must decide whether one is happy with 65 per cent of what one wants or zero per cent. I know I will not get 100 per cent - that is why I did not mention it. It is a decision I must make. Will I settle for a certain percentage or settle for zero? On that point, I support the amendment moved by Hon Peter Foss.

Hon SUE ELLERY: As I indicated by interjection, the government supports the amendment. The short title of the bill is not required to exactly reflect the content of the bill. In any event, as I indicated in my response to the second reading debate, the government still argues that the bill achieves our principal objective of one vote, one value. As the bill amends and repeals other statutes, what the bill is called once it comes into effect will be sort of exhausted. A range of other matters were raised in the course of members' contributions, and I will address them as we reach the relevant points in the bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Part IIA inserted -

Hon SUE ELLERY: I move -

That the committee deal with clause 4 proposed section by proposed section.

Hon MURRAY CRIDDLE: Does that mean we will vote on each of the provisions within clause 4?

The DEPUTY CHAIRMAN (Hon Adele Farina): Yes. It will be proposed section by proposed section.

Question put and passed.

Proposed section 16A put and passed.

Proposed section 16B: Electoral Distribution Commissioners -

Hon NORMAN MOORE: This provision is fundamentally the same as the measure that applies within the Electoral Distribution Act that is to be repealed and replaced. The opposition is happy with the continuation of the current situation for the commissioners. This process provides no change in the way commissioners are appointed and go about their business, and the opposition is happy with the way in which the commissioners operate.

Proposed section put and passed.

Proposed section 16C: Electoral districts and representation -

Hon NORMAN MOORE: We have the extraordinary situation in which the government wants us to vote on this provision that says that the state shall be divided into 57 electoral districts, yet next week we will vote to change that to 59 electoral districts. It demonstrates the absurdity of the way this legislation has progressed. As I indicated earlier, the government is making decisions on the run and changing its fundamental principles. The government wants us to vote for a bill indicating that there be 57 electoral districts, and we will vote next week to make it 59 districts. We cannot amend this provision to make it 59 districts as that would impose a financial burden on the state, which the Legislative Council does not have the capacity to do, as members all understand. We will contemplate the 59 districts when the bill reaches this place. I raise this matter to demonstrate a quite ridiculous legislative process. The government wants us to vote for 57 seats, even though it is known it will not be 57 seats next week.

Proposed section put and passed.

Proposed section 16D: Electoral regions and representation -

Hon SUE ELLERY: I indicate that I have been approached by the Leader of the Opposition to ask the government to consider agreeing to defer proposed section 16D to a later part of the debate on clause 4.

Hon Norman Moore: And 16I.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon SUE ELLERY: I said that I am happy to deal with it at a later date. We can revisit that tomorrow.

Hon Norman Moore: Proposed sections 16D and 16I relate to the Legislative Council, which is why I ask for the postponement.

The DEPUTY CHAIRMAN: It will be until after consideration of proposed section 16N.

Hon SUE ELLERY: I ask that consideration of those proposed sections be postponed until after proposed section 16N.

Hon NORMAN MOORE: I indicate my appreciation of the government's consideration of this matter. For the consideration of the committee, the provisions in this bill that relate to the Legislative Council provide for some significant changes. However, the Greens propose a stack of further amendments, which are listed on the supplementary notice paper. These include some further amendments that I was not altogether aware of until I looked at some of the other amendments today. I am not in a position to put forward an argument on behalf of the opposition at this time. I also want to get some work done on what the Greens' proposed amendments would mean for the Legislative Council. I request that consideration be postponed until tomorrow at least so that I can do some further work on this matter to give a considered view on proposed sections 16D and 16I.

Hon SUE ELLERY: I am not sure whether I am able to do that. In my discussion with the Leader of the Opposition, I was talking about leaving open-ended the point to which we postpone the proposed section. It is something that we can review tomorrow or at a later stage, if necessary. I did not give an indication that I would support postponing it until after proposed section 16N. I am not sure what I need to do to change that. My original words were "to a later point in clause 4".

The DEPUTY CHAIRMAN (Hon Adele Farina): The only problem is that the committee needs to have some idea of when the proposed sections in clause 4 of the bill will be brought on. It is easier for us to have a point of reference.

Hon SUE ELLERY: In that case, I agree to postpone consideration of the proposed section until after consideration of proposed section 16I.

Hon NORMAN MOORE: I do not have a problem if the parliamentary secretary seeks to bring on these two proposed sections earlier than any other. If she wants to move that way, I will support it.

The DEPUTY CHAIRMAN: I understand that the parliamentary secretary is seeking to defer consideration of proposed section 16D until after consideration of proposed section 16I.

Hon SUE ELLERY: Yes.

Further consideration of the proposed section postponed until after consideration of proposed section 16I, on motion by Hon Sue Ellery (Parliamentary Secretary).

Hon Norman Moore: If we get to proposed section 16I tonight, I will seek the same postponement.

Hon Sue Ellery: All right. Let us see how far we get.

Proposed section 16E: Division required after each election -

Hon NORMAN MOORE: This is a significant provision in the context of the way in which redistributions in Western Australia are carried out. The current arrangement is that redistributions are done after two elections. Fundamentally, a redistribution is done every eight years. This proposed section requires that a redistribution be carried out after each election; in fact, two years after polling day basically. The opposition will support this proposal, but not with great enthusiasm. The current system has a flaw in it; that is, the Electoral Distribution Commissioners are allowed to project out for a significant period in advance to try to calculate demographic changes and to work out where the seats might be after two elections. That was the basis of the Burke gerrymander in 1987. It means that there could be very significant variations if the electoral commissioners did not do their sums right and their projections and understandings of demographic change were flawed in some way. The current system has its problems. However, the current system has one advantage; that is, the electorates remain the same for two elections. If members of Parliament get elected, they can represent the same electorates for two terms without any change to the seats, and that provides some sort of certainty, continuity and permanence. However, when the changes are made after two elections, they can be quite dramatic and the seats can change dramatically. That in itself is not a good thing, because there can be some major changes to the boundaries that are not necessarily in the best interests of the members of Parliament or, indeed, the people who live in the electorates. On the other hand, doing it every four years means that the variations in seats would be much smaller than would be the case after two elections. In that sense, it could well be advantageous to incumbent members, because the variations would be less and, therefore, because incumbent members have the natural advantage of having represented an area for a period, they would find that their seats would not change as

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

much as they would have under the existing arrangement, and that would be an advantage to them. This is a straight political comment obviously, because the Labor Party currently has more incumbent members than the Liberal Party, so there is an in-built potential advantage for the Labor Party in this system. However, it is far better to try to ensure that all the electorates have the required number of electors, and having a redistribution every four years will give a far more certain outcome than the current system. Although I can see a downside for us politically, I think that the decision by the government to go down this path is one that should be supported.

Proposed section put and passed.

Proposed section 16F: Division may be directed by proclamation -

Hon NORMAN MOORE: I move -

Page 6, lines 10 to 17 - To delete the lines.

Hon Sue Ellery: Leader of the Opposition -

Hon NORMAN MOORE: Let me explain. I am not from the Greens.

Hon Sue Ellery: I am just trying to explain to you -

Hon NORMAN MOORE: I understand that, but I need to explain the amendment for the sake of the record and for the sake of *Hansard*. Proposed section 16F, which is also contained in the Electoral Distribution Act, provides for a redistribution following a proclamation. It states -

- (1) The Governor may, by proclamation, direct that the State be divided into districts and regions in accordance with this Part as soon as practicable after the day of the issue of the proclamation.
- (2) A proclamation shall be made under subsection (1) if both Houses of Parliament pass a resolution to that effect.

That was part of the original legislation. It has been included in this bill for obvious reasons. I was trying to work out why it was there in the first place. Because the law as it exists now provides for redistributions every two Parliaments, there is a certainty that redistributions will take place. After reading this provision, I could not think of any reason that the Parliament would need to make a proclamation to have another redistribution other than in circumstances in which there was a gross distortion of the numbers of electors in some electorates and that the numbers were so out of kilter that the government felt the need to have another redistribution to take into account that distortion. There is more likely to be a distortion of that sort if there are redistributions after every second election. I suppose there is a reason to leave the provision in the bill, even though I do not know that it has been used. I would be interested if the parliamentary secretary could tell me whether this provision has been used before. I have some recollection that there was an occasion in the 1950s when the government sought to have a redistribution out of the normal time frame and that it used this sort of legislation to do it. I have it in the back of my mind that I have read or heard about it somewhere.

I am now arguing to delete this whole clause. With four-yearly redistributions we do not need, in my view, the capacity for another redistribution by proclamation. If we are to have one in four years, why would we need more than one in four years? I have moved to delete it, and I am interested that the government has agreed to it. I would however be pleased to hear why the government has agreed to delete it. Perhaps I could be told why it is there in the first place and whether it has ever been used.

Hon GEORGE CASH: Before the parliamentary secretary answers those questions posed by the Leader of the Opposition, could she explain to me the policy objectives behind the proposed section and subsection in the first place? What is it there for and what was it intended to do? Why did the government determine that it should be part of this bill?

Hon SUE ELLERY: I indicate for the record that the government will support the amendment. It was there because if the number of members was changed in either house after the redistribution had been carried out by the electoral commissioners but the legislation that changed the numbers had not provided for the commissioners to make a redistribution, it might have been useful to be able to direct that by proclamation. I am advised that it is unlikely there would be a need to use this power. It has not been used in the past. I understand there was an attempt that resulted in the case of *Tonkin v Brand*. As it has never been used, we are relaxed about deleting it.

Hon Norman Moore: Could you tell us about *Tonkin v Brand*?

Hon SUE ELLERY: I would have to seek some information.

Hon Norman Moore: Not now, but if you would not mind, I would appreciate it.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon SUE ELLERY: In the future I will provide the member with some information.

Amendment put and passed.

Proposed section, as amended, put and passed.

Proposed section 16G: Commissioners' functions -

Hon SUE ELLERY: A consequential amendment arises as a result of the amendment we have just passed. Proposed section 16G(1) reads -

The Commissioners shall divide the State into districts and regions in accordance with this Part whenever a division of the State is required or directed under this Part.

I move -

Page 6, line 21 - To delete "or directed".

Amendment put and passed.

Hon ROBIN CHAPPLE: I move -

Page 7, line 34 - To delete "within 60 days from" and insert instead "as soon as practicable, but not more than 90 days after".

The basic reasoning for this amendment is that in the report "Western Australia's New Electoral Boundaries" of August 2003, the electoral commissioners made the comment on the time frame that was allowed for them to carry out their duties as follows -

It would be preferable to charge the Commissioners with the task of proceeding with all speed, but allowing some discretion to extend the timeline in a limited way were this required for more adequate public consultation and to properly consider all of the matters required to form their views.

Although we did not make it particularly open-ended, I am advised that by giving the extra 30 days, the commissioners will be enabled to have more leeway with which to deal with those important issues.

Hon SUE ELLERY: The government will support this amendment. We are of the view that the current six-month time period is a reasonable period within which to accomplish the task, but we take note of the comments of the commissioners, as quoted to us by Hon Robin Chapple. We are therefore comfortable with supporting the amendment.

Amendment put and passed.

Proposed section, as amended, put and passed.

Proposed section 16H: Basis for division of the State into districts -

Hon NORMAN MOORE: This is a very significant clause. It provides for the way in which the state will be divided into Legislative Assembly districts. It creates the notion of average district enrolment. It refers to dividing the state into districts in accordance with the principle that each district must not have more than 10 per cent greater, or more than 10 per cent less, than the average district enrolment at the relevant day. That basically says that the state will be divided into districts and the number of electors in each district shall be no more than plus or minus 10 per cent above or below the average district enrolment. There is then this most extraordinary proposed subsection (3), which states -

(3) However -

- (a) the Commissioners shall ensure that the region known as the Mining and Pastoral Region consists of 5 complete and contiguous districts;
- (b) in making the division required by subsection (1) the Commissioners shall disregard -
 - (i) the electors in that region; and
 - (ii) those 5 districts;
- and

That is quite extraordinary drafting. It then continues -

- (c) the Commissioners shall not apply the principle set out in subsection (2) in relation to those 5 districts.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

I will take a moment to reinforce the notion that this government is quite capable of the most extraordinary variations of its principles and very capable of being totally inflexible when it comes to meeting its requirements. It has a bill that states that everywhere in the state, other than the Mining and Pastoral Region, the government will have one vote, one value, but in the Mining and Pastoral Region, it will not. The bill prescribes that we will not have it. It actually states that the commissioners shall not apply the principle of one vote, one value, because that is what the principle in proposed subsection (2) is all about. The principle in proposed subsection (2) is about all electorates having the same number of voters plus or minus 10 per cent. Anybody who read this bill would have been as astounded by that as I was, because when I heard the Premier announce in Kalgoorlie that the Mining and Pastoral Region was to be quarantined, I made the assumption, as did everybody else in the Mining and Pastoral Region but particularly in Kalgoorlie, that the government intended to keep those five seats as they are now, which is plus or minus 15 per cent of the quotient for country Western Australia. We believed - I now discover we had no entitlement to do so - that the government would at least apply the same rules to the Mining and Pastoral Region in the future as applied in the past on the basis that it was going to quarantine that region from the rest of the legislation. However, it has included in the legislation proposed section 16H(3)(c), which deliberately states that the principle of one vote, one value should not be applied. If that does not clearly describe the government's hypocrisy, nothing else will.

There are a stack of amendments for this proposed section. I have no doubt that the way the numbers will fall in this place means that the legislation will not remain as it is and that we will have our arguments about what the Greens (WA) and everybody wants included. The first amendment is Hon Christine Sharp's dealing with dummy voters. I make the point that proposed section 16H(3)(c) was to legislate that the government does not apply its own principle, and I find that quite outrageous.

Hon CHRISTINE SHARP: I move -

Page 9, lines 7 to 18 - To delete the lines and insert instead -

- (3) If a district has an area of 100 000 square kilometres or more, subsection (2) does not apply but the sum of -
 - (a) the number of electors that the district would have had at the relevant day; and
 - (b) the large district allowance,must not be more than 10% greater, or more than 20% less, than the average district enrolment at the relevant day.
- (4) In subsection (3) -
"large district allowance" means 1.5% of the number of square kilometres in the area of the district.

I will speak in two sections, because it is useful to refer to the deletion and the insertion separately. Obviously, through the deletion we seek to change the way proposed section 16H(3) is worded. Those words, which have just been referred to by the Leader of the Opposition, refer to the by now quite infamous mining and pastoral five-seat guarantee that was made by the Premier in the heat of the moment during the February state election. Since the announcement was made, the Greens have considered that that was a serious error on the part of the government. We can understand that everybody makes mistakes, particularly during the pressure of an election, but that is not an excuse to stay with that mistake. The statement, in particular the words in proposed subsection (3)(c), that "the Commissioners shall not apply the principle", is quite extraordinary in a bill of this nature. We consider that that statement offends the fair application of the principle of one vote, one value. We therefore move to delete those words. We are further moving to insert in their place a new subsection, which reads -

- (3) If a district has an area of 100 000 square kilometres or more, subsection (2) does not apply but the sum of -
 - (a) the number of electors that the district would have had at the relevant day; and
 - (b) the large district allowance,must not be more than 10% greater, or more than 20% less, than the average district enrolment at the relevant day.
- (4) In subsection (3) -

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

“large district allowance” means 1.5% of the number of square kilometres in the area of the district.

I draw the attention of the house to the fact that the wording of this amendment varies the name of this formula from “large area allowance” to “large district allowance” because, although it has been quoted for some time and the Greens (WA) have called it that in the past, we thought that, in its application in Western Australia, where we use the term “districts” and that this was to apply to districts, it was appropriate to call it a large-district allowance. It is, however, based on a model taken from Queensland, which has been in place for more than 10 years, and in Queensland it is called a large-area allowance. I will read very briefly from the report of the Electoral and Administrative Review Commission of Queensland in 1990, which was considering the application of the impact of equal suffrage on electoral district sizes in Queensland at the time. In other words, Queensland was confronting the practical problems of applying the principle of one vote, one value back then, just as we are doing today in Western Australia. The report states -

The problem could to some degree be overcome by increasing the number of electoral districts in the Legislative Assembly. But the Commission does not consider that the problem can be properly overcome simply by throwing electoral districts at it. In any event, a solution would require a massive increase in the number of electoral districts.

In other words, the commission concluded that, to adequately deal with the practical problems confronted by the enormous remote area districts by simply increasing the overall total of districts in the Parliament would require such a huge increase in the number of districts that that itself was not a practical way forward. The reports continues -

The Commission considers that

- (a) In certain remote areas, good government would be prejudiced under equal suffrage because the electors in those areas will have insufficient access to their Members.
- (b) Extra electoral allowances and facilities will assist but not overcome this problem.

At paragraph 10.220, the report states -

The scale of the large and remote electoral district in Queensland is matched, at the state level, only in Western Australia. . . .

Neither Victoria nor Tasmania have any electoral districts over 50,000 sq kms. Indeed the whole of Victoria (227,600 sq kms) and Tasmania, (67,800 sq kms) are smaller than some of Queensland’s largest electoral districts.

It was also presented in submissions to the commission that, rather than introducing a mathematical formula, another way of going about reducing the enormous spread of the large and remote electorates would be to maintain a zoning system. In considering whether a zoning system would be a better way of dealing with this practical problem - in other words, that there were different weightings across different zones across the state - they concluded that it would not be such a good solution because it puts the discretion about where particular electoral district boundaries are drawn in the hands of independent commissioners rather than the government of the day - that is to say, by using a large-area allowance. Another reason is that the allowance allows more flexibility to respond to demographic changes. It also applies proportionality among electoral districts that benefit from the application of the formula so that those with the greatest need secure the most. As members can see, there was a fair amount of consideration of the proposal to apply this model in Queensland. It was determined in Queensland that the weighting of the model should be two per cent of the overall total of square kilometres for districts that reached the threshold of 100 000 square kilometres. In 2001 we advocated a weighting of one per cent. As I explained during the second reading debate, we were persuaded by the government in 2001 that the weighting, although only half that of Queensland, should be further reduced to 0.5 per cent. We accepted that level at that stage. In 2005 we propose a one per cent weighting, which is what we originally proposed in 2001. We have been persuaded this time that it would be better to apply a slightly higher weighting of 1.5 per cent, which is still below the weighting applied in Queensland although Queensland is a smaller state than Western Australia. In order to break the deadlock that built up between the Labor government and the Greens in the application of the principle of one vote, one value in the Mining and Pastoral Region, and in conjunction with a commitment from the government that it would increase the number of Legislative Assembly districts in the state by two, the Greens decided it would be appropriate to increase the weighting to 1.5 per cent. That is shown in the supplementary notice paper. It is fairly clear to members that the objective of this is to provide an objective way of assisting with problems that have been identified in speech after speech about the enormous practical problem faced by members in servicing extremely large electorates.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

An electorate of 100 000 square kilometres is a pretty big electorate. We are dealing with some of the largest state electorates in the world. That is why the practical application of this weighting is simply to reduce the geographic area of the seats and to make the challenge of members being able to access remote communities in person from time to time to meet constituents and hear their concerns something that can be dealt with. We feel that this is a much fairer way of dealing with this than is the case in the bill at proposed section 16H(3), which provides an exemption from the principle of one vote, one value. There we have it. We think this is a fairer way forward. It applies statewide, although in practice it will apply under the initial divisions modelled by the commission to the five mining and pastoral seats and the two larger seats in the Agricultural Region for the obvious reason that those seven districts are the largest districts in the state and are the ones that go beyond the threshold of 1 000 hectares.

Hon Derrick Tomlinson: Explain how you got the factor of 1.5 per cent. I know you derived it from Queensland, but there must be some mathematical justification for it.

Hon CHRISTINE SHARP: Overall, this has been made as a case of judgment. I have not highlighted that but I will, if I sit down, go through it because the committee in Queensland also discusses that issue. They said they made a judgment on what they thought was the best scale to apply the weighting. We have made a judgment. I am sure the honourable member is about to tell us his opinion of whether we have made the right judgment.

Hon Derrick Tomlinson: I am trying to get an explanation from you. I do not have an opinion.

Hon CHRISTINE SHARP: I have explained to the honourable member exactly how we -

Hon Derrick Tomlinson: You think of a number and it is good enough.

Hon CHRISTINE SHARP: I advise the honourable member that in 2001 we decided we would halve the weighting applied in Queensland for the very simple reason that Western Australia was roughly double the size of Queensland. From that point of view, that was where we came up with the one per cent rather than going exactly with the two per cent model used in Queensland.

Hon NORMAN MOORE: This is the creative solution that we heard about. Hon Derrick Tomlinson asked a very good question: how did the Greens come up with the creative solution? They said we have to have five seats in the Mining and Pastoral Region; how do we keep those? Bearing in mind the Greens have this notion of dummy voters, what they did was to draw the lines on the map and work out where the people would go and then they created the formula that gives the answer they had already determined.

Interestingly, it is not only the 1.5 per cent or the 100 000 square kilometres, both of which are quite arbitrary, but also the variation can be 10 per cent greater or more than 20 per cent less. Why 20 per cent less? Why not 10 per cent both ways, as it applies everywhere else in Western Australia.

The Greens are not only providing for a situation of seats in the Mining and Pastoral Region that can have very low numbers of voters in them, but also allowing the variation to be more than 20 per cent less, because there is a bit of a problem with not enough people to make up the five seats. Not only have the Greens created the formula that is the 1.5 per cent, but also they have had to chuck in the more than 20 per cent less to get the five seats there. Talk about creative. They work out the ultimate solution and then create a formula to give them the solution. This is not the way to work out the electoral system in Western Australia.

The opposition has an amendment to this proposed subsection on the notice paper and I want to explain to the house what the opposition would do rather than what the Greens are proposing to do by virtue of Hon Chrissy Sharp's amendment.

We are prepared to accept the fact that there will be five seats in the Mining and Pastoral Region based upon the government's commitment and the opposition's belief that big seats and seats further away from the city should have vote weighting. We support vote weighting, which is what we have been doing all along. Therefore we have no problem in maintaining vote weighting in the Mining and Pastoral Region.

The amendment we were going to put forward was to require that the five districts in the Mining and Pastoral Region at least have the same number of electors in each one. The proposal that we have in mind is to delete proposed section 16H(3)(c) and to insert a new section that would require the electoral commissioners to divide by five the number of electors in the Mining and Pastoral Region and apply the principle of 10 per cent plus or minus to those districts. In my view, that is the proper way to go. That would mean all the seats in the Mining and Pastoral Region would have the same number of voters based on the notion that the Labor Party has trotted out one vote, one value. It would also maintain the five seats in that part of the world. Indeed, it would reflect what the people believed was the government's commitment during the election. Had the government told the people during the election that it would quarantine the Mining and Pastoral Region but would change the way in

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

which the boundaries were drawn, it would not have got much support. However, because the Premier said the government would keep the electorates the way they were in the Mining and Pastoral Region, everyone believed the boundaries would stay roughly the same. The Mining and Pastoral Region will keep the seat of Kalgoorlie, which has been there forever, and the seats of Murchison-Eyre, North West Coastal, Central Kimberley-Pilbara and Kimberley as they are now. That is what the government led the people to believe it would do. However, the government has introduced this bill that does not require that to happen. The government will allow the electoral commissioners to draw the lines wherever they like. When I discussed this with the Electoral Commissioner some time ago, I asked why he would want to do this. He said that all of urban Kalgoorlie-Boulder could be contained within one seat because that would follow the land use patterns proposals the Greens (WA) talked about, including community of interest. He said also that all of Kimberley could be included in the seat of Kimberley. Currently Halls Creek and Fitzroy Crossing are not included in it because too many people live there under the current 15 per cent variation. I told him that the Leader of the Opposition would probably lose his seat as a result, and that the seat of the Kimberley, which is currently a marginal seat, would become a safe Labor seat. I did not work out what might be done with the rest of the region. I could easily draw five seats in the Mining and Pastoral Region, all of which would be solid Labor seats. I am not suggesting that the electoral commissioners would do that, but I would rather they were given some direction. As is currently the case, each seat should have pretty close to the same number of voters. By doing that, the government would be sticking to its commitment that the Premier made during the election.

That is what we wanted to do. If this amendment of the Greens succeeds, we will not deal with my amendment because it will become irrelevant. Therefore, I will now talk about what the Greens want us to do. They have created a formula based on an arbitrary figure of 100 000 square kilometres. Why is it not 50 000, 125 000, 200 000 or 700 000 square kilometres? Why is it 100 000 square kilometres? Maybe it seemed like a good idea or a creative idea at the time. The large-district allowance is 1.5 per cent under the Greens' proposed model. We have heard that 1.5 per cent is needed to make this model work. Why must the large-district allowance be not 20 per cent less than the average district enrolment? It is because it must be 20 per cent to make it work. A set of arbitrary figures has been created that makes this model work for the Greens and for the Labor Party. I am in an interesting situation because, if the government had agreed to our amendment, to this proposal, or to the government's original proposal, I would not have a problem with the legislation regarding representing my own electorate. Although I see what the Greens (WA) are seeking to do and what the government sought to do - that is, enhance its own electoral prospects - as a member representing that area, I am quite happy for five seats to remain in the Mining and Pastoral Region, even if all of them are held by Labor. That is a pretty difficult thing to say, but that is the way I think it should be. Interestingly, Hon Alan Cadby said that he had been told that if the Mining and Pastoral Region were subjected to a pure one vote, one value principle, there would be 3.7 seats. My information was that it would be fewer than that. It would be probably between three and four seats. I think probably three, but I am just surmising. Members can therefore see why I am opposed to a pure one vote, one value principle, as it would take away two seats from the Mining and Pastoral Region, which is my electorate. I have already seen the current legislation take away one seat at the last redistribution. That was what the Premier described in his press release as the Liberal Party strategy for getting rid of seats in the Mining and Pastoral Region - because the law did it, it was called the Liberal Party's strategy. What hypocrisy! That sleight-of-hand rubbish was trotted out during the election campaign.

Hon Barbara Scott interjected.

Hon NORMAN MOORE: He did; that is right. I am therefore in two minds about this legislation. However, from the view of straight politics, it is an attempt by the Labor Party to ensure that it has four or five seats in the Mining and Pastoral Region and that the situation remains that way.

The Greens' proposal has created some extraordinary figures. I acknowledge that the lines in the notional distribution by the Electoral Commission, of which we all have a copy, are not necessarily where the lines will go. I have no idea where the lines will go. However, this proposed amendment demonstrates the sort of thing we will get. We have talked about this a fair bit and I will talk about it again, as it needs to be said often so that people understand what it means. The seat of Kimberley - the map puts Fitzroy Crossing and Halls Creek back into the Kimberley - would have 16 440 electors in an area of 419 000 square kilometres, with 6 286 - I hate calling them dummy voters, as that is not what they are, so let us call them imaginary voters -

Hon George Cash: Invisible voters.

Hon NORMAN MOORE: Invisible voters, Clayton's voters. Actually, Clayton's voters would be quite good because they are voters we have when we are not having voters. Yes, let's call them Clayton's voters - voters we have when we are not having voters. To get the quotient of 22 000 voters or thereabouts - the quotient is actually 21 343 - there must be 6 000 Clayton's voters in the Kimberley.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

In the Pilbara there are 18 000 real voters - real people - and only 1 800 Clayton's voters, which gives a total of 20 000 electors. We should not call them total electors; we should call them electors plus Clayton's electors.

The Murchison is a fascinating electorate. It is 838 000 square kilometres, so it is a big part of Western Australia; large parts of it are totally uninhabited. The Greens should have a quick look at the central desert of Western Australia. They would find that not many people occupy vast parts of that electorate. The people there are entitled to be represented, but very large areas of the notional Murchison electorate do not contain any people at all. However, that does not seem to matter with this formula, as there are 10 000 real people and 12 572 Clayton's voters in that region. There are actually more Clayton's voters than real ones. If we put the two figures together we finish up with 22 500.

Hon George Cash: Can you tell me which way you think the Clayton's voters are going to vote, because at the moment you have the Clayton's voters outvoting the real voters?

Hon NORMAN MOORE: I do not know whether the Electoral Commission has considered this issue, but interestingly the percentage of people who vote in the Mining and Pastoral Region is less than in the other regions. About 75 per cent of people in that region voted at the last election, although it might have been a bit more than that. Maybe some of the real voters are not there either.

Hon Christine Sharp: That is a very important point, I think.

Hon NORMAN MOORE: Well, perhaps they are not there either. They may not have been able to find a polling booth. As an aside, the people who took the mobile polling booth into the central desert area decided on the day to change the places to which they would go because it seemed like a good idea. There was a funeral on somewhere so they decided that, although they were supposed to go to Wingellina the next day, they would go there that day and would come back to Warburton on another day. People may well have made their plans to be in a particular place based on the advertised voting times. They were making it up as they went along.

This proposition is based on 68 228 real people. I wonder whether there are 68 228 real voters in the Mining and Pastoral Region, based on past election figures. The seat of Eyre will have only 9 215 real voters. Eyre will cover an area of 595 000 square kilometres, which is a pretty big piece of country which, I might add, has a fair bit of desert in it. To make up the numbers Eyre will have 8 938 Clayton's voters, giving a total of 18 153 voters. Members should bear in mind that the quotient is 21 000 voters. This electorate will be 14.95 per cent below the quota. That is why the figure had to be 20 per cent. It could not have been made 15 per cent because the next seat will have a difference of 15.9 per cent. It had to be 20 per cent for it all to fit. This proposition will create an extraordinary situation in which the seat of Eyre will have 9 000 real voters and the seat called Pilbara, which is equally disadvantaged, will have 18 000 real voters. Dundas is a small electorate covering an area of 237 000 square kilometres. It will have 14 300 real people and 3 500 Clayton's voters to give a total of 17 800 electors. The variation from the quotient is minus 15.94 per cent.

What stands out with those figures is the arbitrary way in which this has been put together. The outcome that is wanted has been worked out first, and then a formula has been created to produce it. If a few things have to be varied here and there, such as going from minus 10 per cent to minus 20 per cent, why not go also to plus 20 per cent? Why allow a variation of 20 per cent below and only 10 per cent above? Why can it not be 20 per cent both ways? Why not 50 per cent? Why not two per cent? It is all designed to fit in with a plan that has already been made.

I turn to the Agricultural Region. The seat of Roe will have 19 000 voters and 1 600 Clayton's voters in an electorate covering 110 000 square kilometres. I do not know how this proposition can include Merredin in the seat of Roe. That does not make a lot of sense to me. I cannot for the life of me imagine that that is where the Electoral Distribution Commissioners will draw the boundary. Moore will have an area of 107 000 square kilometres and Geraldton an area of 4 000 square kilometres. Moore will get some 1 600 Clayton's voters. The South West Region will have eight seats and no Clayton's voters. The largest electorate in the south west is Warren, which will have an area of 36 000 square kilometres.

The system that the Greens are seeking to put in place will provide five Assembly seats in the Mining and Pastoral Region for 68 000 voters, and four Assembly seats in the Agricultural Region for 85 000 voters. That does not ring true. It also proposes eight seats for the 174 000 voters in the South West Region. It just is not fair. We ought to make sure that fairness is a part of our electoral system. Hon Peter Foss argued today - I support his argument - that the current system is quite fair; the outcome is fair and the level of representation is fair. However, this wonderful creative solution will provide five Assembly seats in the Mining and Pastoral Region, four Assembly seats in the Agricultural Region and eight Assembly seats in the South West Region. The numbers in those electorates will bear no relationship to the number of voters in those three regions. The

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Mining and Pastoral Region will have 31 000 Clayton's voters and 68 000 real voters. How will the government explain that to the public of Western Australia? The Labor Party made the decision to quarantine five seats in the Mining and Pastoral Region because it was too hard to explain this proposition. However, it may have to explain this proposition because the Greens (WA) have foisted it on the government again. How will the government tell the people of Western Australia that it has created an electoral system that has pretend voters - that is, an electorate will have a certain number of electors even though it has only X number of voters, which could be less than half? How will the government explain that? I am looking forward to hearing someone explain and justify that proposition and to provide people with a reasonable understanding of what it is about. The opposition does not support this proposition. The proposal we put forward is better than this proposal. The notion of Clayton's voters is virtually impossible to explain to anybody. People will not understand what it is about. It may create a scenario in which there is vast malapportionment of the sort that the Labor Party has stated it wants to remove. Again, I come back to the 9 000 real voters in Eyre and the 18 000 real voters in the Pilbara. If that is not malapportionment, I do not know what is. I conclude by saying this: for the past 100 years, the Labor Party has told us that the size of an electorate does not matter; indeed, all that matters is the number of voters in each electorate. Further, it has told us that every electorate should have the same number of voters and that every person's vote should have the same or equal value. However, the government will vote for the proposition now before the chamber because the Greens have trotted it out. The Greens are the tail wagging the dog. We will end up with a system that nobody much likes because the Greens are running this particular electoral change.

Hon MURRAY CRIDDLE: I do not support the amendment moved by Hon Christine Sharp based on the fact that the 1.5 large-area allowance and the 1 000 square kilometres criteria are arbitrary. From my understanding of the bill, this is a result that had to be achieved and a series of runs and mathematical calculations were made to produce this outcome. I do not see any principle in having a result based on that type of arrangement. I certainly have some support for the amendment on the notice paper that will be moved by Hon Norman Moore - I presume that if the amendment before the chamber gets up, Hon Norman Moore's amendment will not be moved - to have the number of electors divided by five to get a reasonable number with a variation of 10 per cent plus or minus. That is a fairer outcome. People in the Agricultural and the South West Regions seem to have received no particular attention. The weighting allowance in the Mining and Pastoral Region extends to minus 15.94 per cent, yet there is a plus weighting allowance in three of the four Agricultural Region of up to seven per cent. That is a totally unfair outcome for people living in regional areas outside the Mining and Pastoral Region. The mathematical calculation to arrive at this outcome for the five mining and pastoral seats has been contrived. For that reason, I will not support the amendment.

Hon BARRY HOUSE: I do not mind talking about ways to improve the accessibility for people in the Mining and Pastoral Region to their members of Parliament, but this accessibility should not be provided in the subjective and arbitrary way proposed in the measure before the chamber. I will support extra representation for this area, but only on the basis that it will be applied for all of Western Australia. This legislation is totally discriminatory towards the Agricultural and South West Regions. I present an argument that the concentration on the Mining and Pastoral Region as the only area that requires special consideration is flawed. I briefly present an argument that suggests that it is actually more difficult to service the south west than it is to serve the mining and pastoral area. I am not for a minute arguing against the case for vote weighting in the Mining and Pastoral Region; I argue a case that the South West and Agricultural Regions have just as good a case as the Mining and Pastoral Region.

The major centres in the Mining and Pastoral Region are regularly serviced by regular transport, including jet aircraft, and are relatively easy to get to. It is certainly quicker and more convenient to get to Kalgoorlie from Perth than I can travel to Bunbury and further south. All of the other major centres in the Mining and Pastoral Region have regular commercial air services that can be used in a relatively easy way. Members of Parliament for those areas receive a generous charter allowance as well, and they are the only members who can access four-wheel-drive vehicles as their electorate vehicles - we cannot do that in the south west. I suggest to members that there are more kangaroos and just as many dangers on the roads in the south west as there are in the Agricultural or Mining and Pastoral Regions. In terms of diversity of activity in the regions, I could argue legitimately that the south west contains much more diversity in terms of economic and people activity than is the case in the Mining and Pastoral Region. Many towns in the Mining and Pastoral Region are based on similar activities such as mining - there are similarities from one town to the next. There are other activities, of course, such as fishing, tourism and horticulture in towns like Carnarvon and Kununurra. However, members can go to any centre in the south west and find a place of unique character. It has different reasons for being. Those centres are not all interlinked with each other; they retain their own individual identities very fiercely and require individual attention.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

In the south west there is only one commercial air service; that is, between Perth and Albany. That is fine for the people in Albany. In fact, it is easy to get from Perth to Albany. If Hon Robyn McSweeney is going back to her office after a parliamentary sitting, she will get there before I get to my office, and much more conveniently, if she flies. For a while there was a regular air service into Busselton and Margaret River while the coalition was in government. That was very handy for me, because I am based in that part of the world. I used that air service on a reasonably regular basis. Regrettably, the subsidy for that was cut by the Labor government as soon as it came to power, and that was the end of that, which was a great pity.

People may want to rely on public transport of other forms. There are bus services around the south west. However, I can tell the house from bitter personal experience that people should not rely on them too much. A few years ago I lost my driver's licence; I ran out of points. For about three weeks before I could get a provisional licence, I had to rely on getting lifts, and occasionally I caught buses. I can assure members that it was not very convenient. It is not a very good way for a member to access his or her electorate. It is time consuming and is simply not an adequate solution. We drive everywhere. We know that the centres in the south west, south of Mandurah, are all at least two hours away from Perth. Most of them are three hours away. If we want to cross from east to west, or from west to east, in our electorates, it takes four hours. Although the road structures are pretty good north to south, apart from the South Western Highway, which is a bit of a nightmare for people like Paul Omodei to drive along on a regular basis, the road structures from west to east are worse. They are far more difficult. If I want to drive from the west coast across to Albany, it is a good four-hour drive, whichever route I take, and I can assure members that it is not the easiest driving in the world. If I go from Busselton along the Vasse Highway, through Donnelly River to Manjimup, and then along the Muirs Highway through to Mt Barker and Albany, it is certainly not an easy drive. That is another factor that must be taken into account. If a person goes down the bottom way through Denmark and Walpole, up through Pemberton and Northcliffe, and back to Augusta and Margaret River, it is also difficult.

I think I mentioned the other day that all of us cover between 60 000 and 80 000 kilometres a year behind the wheel of a car. I pose a question to people in the Labor Party. They all come from a union background.

Hon Ljiljanna Ravlich: That's not true.

Hon BARRY HOUSE: I wonder how many of them, with their union backgrounds, would allow their members to drive those sorts of distances, and then step out and, in addition, do a job that consumes the same amount of time, or more, as the full-time job of driving. I do not think many of them would.

We have heard the Greens talk about extra resources. They said that we could be given more telephones and more gadgets to service our electorates. The resource that I want most in the south west is a driver. It would be the most useful resource. The parliamentary secretary screws up her nose at that and says -

Hon Sue Ellery: Who - me?

Hon BARRY HOUSE: Yes.

Hon Sue Ellery: I didn't do any such thing, Barry.

Hon BARRY HOUSE: It looked like it to me. She dismissed that as a ridiculous suggestion.

Hon Sue Ellery: I didn't do anything.

Hon BARRY HOUSE: It is not a ridiculous suggestion if we are to be serious about it. Members for the South West Region get a charter allowance, along with members for the Mining and Pastoral and Agricultural Regions. It is handy, but not many reliable charter operators operate from the south west. They are all virtually Perth based. Far better equipped charter operators operate from the northern areas of the state than operate from the south west. If I want a charter, it is usually to fly across the electorate from Busselton or Margaret River to Albany, and there are very limited options. I could relate a few hair-raising experiences I have had in small aircraft in the time that I have been in this place, and it is only because the charter operators are not geared to operate in a big way. If I want to fly from Perth, I can use operators such as Skippers Aviation Pty Ltd, Maroomba Air Service or any of those reputable companies that have twin-engine aircraft. They have King Air aircraft and a variety of good solid aircraft that are comfortable to fly in. If I want to fly from Busselton or Bunbury using local operators - I like to use local operators - the choice is nowhere near as good.

I will relate the most recent escapade I had with a charter aircraft. I used a local company from Bunbury to fly me to Perth because I had a clash of commitments. One was in Perth and I had to be back in Margaret River a couple of hours later. The timing would not work if I drove, so I chartered this aircraft. We got on the runway at Busselton, which was fine, but the plane would not start. After a few problems, a ute was driven up next to the plane and jumper leads were used to start the plane, which does not fill the passengers with confidence. The plane taxied out ready for take-off, but the pilot said that there was a problem; the alternator was not charging so

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

we could not leave. We turned around and went back in. We got out of the plane and got on a smaller, single-engine plane run by the local operator at Busselton airport, which had to be refuelled. Finally, we got in the air and got to Perth airport. I caught a taxi to my commitment, which I was late for. After that commitment, I went back to Perth airport and jumped on the plane again. In the meantime, the pilot had flown that small plane to Jandakot, swapped it for another of the company's twin-engine planes and brought that plane back to Perth airport so that it could be used. We jumped in the plane and it would not start. After a while it did start, so we lined up at the end of the runway with all the big jets and the pilot had to turn around and come back because the radio was not working. That was the second problem. We got back to the terminal and he fiddled around for a while and said that it looked okay, so we jumped back in but again it did not work. Finally, we hopped out and caught a taxi for a mad dash to Jandakot airport. I had the temerity to suggest to the taxi driver that I thought this was the quickest route and he said, "I'll ask for your opinion when I want it." I got a serve from the taxi driver, so it was a really good day. We finally got to Jandakot, jumped back in the plane that we had flown to Perth in and flew back to Busselton in the slow single-engine aircraft. I was late for that commitment as well. That is just one example of the unreliability of air charter services on which Labor members are telling us we have to rely to service our electorates in the south west. I suggest that the reliability of the services in the Mining and Pastoral Region means that it is far easier and more convenient to jump in a jet aircraft and fly to Broome, Kununurra or Port Hedland than it is to fly to towns in the south west. I am not trying to suggest that there should not be any diminution in vote weighting for that part of the world. I am just trying to mount the argument that the South West Region, and also the Agricultural Region - I am sure Hon Bruce Donaldson could tell the same sorts of stories about the Agricultural Region - deserve recognition in exactly the same way as the government is trying to convince us the Mining and Pastoral Region deserves recognition.

Hon DERRICK TOMLINSON: When I used to be very enthusiastic about representing my electorate I would drive 4 000 kilometres a month through the metropolitan area, at an average speed of 25 kilometres an hour. I find it much more comfortable to drive from Perth to Mt Barker with the cruise control set on 109 kilometres an hour. That is beside the point, because I do not think it has much to do with the matter before us.

When I asked Hon Chrissy Sharp a question that I thought was quite reasonable - namely, how did she arrive at the large-district allowance of 1.5 per cent - she rounded on me and said she supposed I have an opinion. I do not have an opinion. I genuinely want to know how she had arrived at that weighting. I cannot see the logic in saying that Queensland has 2.0 per cent, and we thought it might be 0.5 per cent but we settled on 1.5 per cent. Hon Chrissy Sharp made it very clear that the Greens were looking at how to take account of the large areas and the sparsely distributed population in Western Australia. I assumed that there was some sort of mathematical quotient that when applied across all the electorates suggested that was a reasonable number. I genuinely want to know how the Greens got to 1.5 per cent.

I have a notional distribution that seems to have come from the Electoral Commission. It is headed "State divided into 59 districts with 1.5% large area allowance". At the bottom it has the words "Case 11 1.xls 59 Districts" and "4/19/2005 12:28 PM". I suppose that is 19 April 2005. I also have a set of maps that have underneath them the words "Notional Boundaries - 59 districts - 1.5% LAA - Thu Apr 14 Case 11a", and various times ranging from "15:08 2005" to "15:10 2005". I presume these were generated by the Electoral Commission and were distributed by someone to someone as an indication. The maps with the numbers on them correspond to the number of electors in the first sheet. The first sheet shows that in the Mining and Pastoral Region, the Kimberley has one elector for every 25.5 square kilometres, the Pilbara has one elector for every seven square kilometres, Murchison has one elector for every 83 square kilometres, Eyre has one elector for every 65 square kilometres and Dundas has one elector for every 16 square kilometres. In the Agricultural Region, the two districts in which the large-district allowance will apply are Roe and Moore. Roe has one elector for every six square kilometres, and Moore has one elector for every five square kilometres. When we compare the enormous disparity between one elector for every 83 square kilometres in the case of Murchison and one elector for every five square kilometres in the case of Moore, how do we arrive at a weighting of 1.5 per cent for every 1 000 square kilometres? What do we find in the rural areas, which do not have that large-district allowance? Geraldton has seven electors for every square kilometre; Avon, one for, I think, 12 square kilometres; Albany, five electors for every square kilometre; Bunbury, 240 electors for every square kilometre; Murray, 12 electors for every square kilometre; Capel, 50 electors for every square kilometre; Mandurah, 633 electors for every square kilometre; in Collie-Wellington the ratio is five to one; in Warren it is one to 1.7; and Vasse has seven electors for every square kilometre. I disregard the difference in size as we are talking about electorates that go from 35 square kilometres in Mandurah to 110 000 square kilometres in Roe; however, with that disparity among electors I would like to know where this 1.5 for every 1 000 square kilometres comes from. Why is 1 000 square kilometres of these large districts entitled to a vote? That is what the Greens are saying. For every

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

666.6 recurring square kilometres, there is a notional voter but not real voters; they are notional voters, so the votes are allocated on the basis of square kilometres. Suddenly, square kilometres have a vote.

Hon Ray Halligan: Why don't they count the trees?

Hon DERRICK TOMLINSON: Why not count the sheep? The coalition has been accused of creating a gerrymander based on the number of sheep. Now we have a gerrymander based on the number of square kilometres. Suddenly, 666.6 recurring square kilometres has a vote. I want to know why that is the case. I do not want to be as cynical as my colleagues, who say a number has been picked out of the air to satisfy the electoral opportunism of the Greens (WA). That is cynical in the extreme. If the Greens want me to vote for this, they must please explain how they arrived at that uniform number of 1.5 per cent per 100 square kilometres when there is such disparity in the ratio of electors per square kilometre. The Greens are saying they are about trying to rationalise the problem of distance and sparsity of population, but this does not make sense. If they cannot explain that to me, I must agree with my colleagues, very reluctantly, that this is nothing more than a cynical exercise in manipulation of numbers for electoral advantage.

Hon JOHN FISCHER: I will certainly not be agreeing reluctantly with Hon Derrick Tomlinson's colleagues because, quite frankly, I cannot support the amendment moved by Hon Chrissy Sharp, although I could support the amendment proposed by Hon Norman Moore. If there is to be any fairness and equity in this issue concerning quarantining the Mining and Pastoral Region, the area should have five seats and full representation, even though I condemn the way the Premier announced it - I think he announced it prior to the election to try to save the Labor Party patch up there. An old saying of Benjamin Disraeli is that there are lies, damned lies and statistics. They have all been used here. There were lies and damned lies when Geoffrey said that one vote, one value was off the agenda. I cannot call them anything else; they were a hoodwink. The statistics for the laa laa voters are like Hans Christian Andersen's emperor's new clothes. I honestly believe that it is lucky that the media are so biased and inconsistent in this state. If they reported this farcical legislation in the totality in which we are discussing it, we would be laughed out of the place.

If anyone can honestly stand up here and say that this proposed legislation has anything to do with fairness, equity or anything similar, I would like to hear it. Certainly the arguments that I have heard from this side of the house have put it very succinctly. There used to be a radio show called *Take it from Here*. I remember in one episode one of the characters jumped up and said words to the effect, "I have examined your son's head, Mr Glum, and there's nothing in it." We should not be laughing at it, but that is about the state of this legislation. The same could certainly be said for whoever developed these notional voters. What an absolute load of rot. If the government really thinks it will get onside with people in the Mining and Pastoral Region by coming out with this kind of rubbish, I certainly hope it is in for a big surprise. As I said, if the newspapers reported correctly on the depth in which we have discussed this legislation, we would be laughed out of the place. It is an absolute farce.

Hon DEE MARGETTS: I do not want to hold up this debate too much, but I would like briefly to confess that it was my idea to introduce a system in this legislation that was similar to that used in Queensland. The figure of 100 000 is a marginal figure, just as tax is based on a marginal figure. Everybody with a different income pays a different average tax, as members well know. It is a marginal figure based on the fact that the figure kicks in for every square kilometre beyond 100 000 square kilometres. That is not the way Hon Derrick Tomlinson described it in his explanation. It sounded as though he did not understand that it was a marginal figure.

I represent a very large region, but not nearly as large as the Mining and Pastoral Region. The concern for many people is that the size of their electorates would blow out beyond what is reasonable. The largest electorates, such as those with Aborigines, contain real people, not just trees and rocks. However, they do not often figure unless a lot of effort is made to visit those communities. Having shared an office for four years, I know the kind of effort required to try to represent those electors, even though the members of those communities do not add up to large numbers. The idea was to find a way of making sure that the distribution did not mean that the electorates did not blow up to an absolutely outrageous size, especially considering, as has been pointed out, they are some of the largest electorates in the world. That was the rationale. We do not carry a calculator in our heads. We need to look at maps when we ask ourselves what a half per cent, one per cent or two per cent increase in size looks like, to get a feeling of what is a reasonable figure. That is the logic. The logic is not to have trees represented as electors but to make sure that when we introduce this system into Western Australia we take into consideration the fact that nobody would really like to see electorates - I guess some people might - get too large. We believe that, in terms of representation, it is fair to have a system that at least states that, once an electorate reaches a certain size, it should be subject to checks and balances instead of blowing out into something that is ridiculous and does not represent some community of interest.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon DERRICK TOMLINSON: I appreciate Hon Dee Margetts' explanation, but the large-district allowance, as defined in amendment 15/4, means 1.5 per cent of the number of square kilometres in the area of the district, which converts to 1.5 notional electors for every 1 000 square kilometres - in other words, one elector for every 666.6 recurring square kilometres. That number is then applied universally across the LDAs, or the large districts. I understand all of the arguments about difficulties of access and service, because that is not simply a problem for parliamentarians servicing their electorates; it has plagued every service in the public sector - health, education, law and order, justice - and we have been forever trying to solve that problem, but we know that no one solution fits all. I have tried to point out the difference in the number of electors per square kilometre because of the number of square kilometres that the member is trying to account for with her 1.5 for every 1 000 square kilometres.

Hon Robin Chapple: They are large electorates.

Hon DERRICK TOMLINSON: They are not uniform electorates. They are uniform neither in size nor population. There is a disparity in the size of the electorates, from 838 000 in Murchison to the smallest area that qualifies at 170 000 square kilometres which is Moore.

Hon Peter Foss interjected.

Hon DERRICK TOMLINSON: Yes; if they go over 100 000 they get the lot. Those large electorates range from a population of 9 215 in Eyre to 21 234 in Moore. If the Greens are looking for some equitable or fair way of accounting for or accommodating difficulties of access to services because of distance and sparsity of population, my question is how did they arrive at this 1.5 per every thousand kilometres, or one for every 666.6 recurring square kilometres across such diverse, large electorates?

Hon ROBIN CHAPPLE: Firstly, we need to go back to the legislation we dealt with in 2001-02 when we passed through this house the same model that we are debating at the moment. The reason we established that model at that time was that we did not want to have only 3.2 districts in the Mining and Pastoral Region, and we were also concerned about the impacts on large electorates generally. At that time, we established one per cent. In doing so, we obviously started pulling levers and looking at what happens to electorates. One of the issues very fundamental to us was Kimberley. As an electorate, the Kimberley has been pulled apart over time, as we have seen. Fitzroy Crossing and Halls Creek, which are inherently part of the Kimberley, have suddenly gone into the Pilbara - wet tropics into a desert region. In looking at how the model works, we looked at the different percentage. If the percentage were moved up to two per cent, which is what Hon Derrick Tomlinson wants to know -

Hon Peter Foss: That is the model from Queensland, which is a smaller state.

Hon ROBIN CHAPPLE: Yes, I know that. If the figure is moved up to two per cent, it actually splits up the Kimberley, but also electorates such as the Pilbara have homogeneous community interests. Once the figure is raised to two per cent, the boundaries are pushed to the point at which parts of electorates are moved around. Currently, as members can see, the proposed electorates are not dissimilar to the current electorate boundaries. North West Coastal will shrink up and the Pilbara will become much more Pilbara-centric, having all those towns associated with mining, the Kimberley becomes a whole unit, and the desert region, which is a large unit, becomes a region basically unto itself.

Hon Derrick Tomlinson interjected.

Hon ROBIN CHAPPLE: Certainly anyone who had worked in that electorate would find a great similarity.

Hon PETER FOSS: What Hon Robin Chapple said is quite interesting, because there are a few truths in there. His last remark showed quite clearly that it was not a matter of principle, but of looking at the map and working back to see what gave the right result. This is the method I thought all along was being used. The result required is worked out, and then the legislation is produced to achieve that result. I would be interested to see what would happen if, for instance, one of these areas starts to acquire a bit of extra population. Rather than applying this legislation, we would have to alter the legislation. This is not legislation for all time based on principle; it is based on the numbers as they now are.

Several members interjected.

Hon PETER FOSS: Let us assume, for instance, that there was a massive increase in population in Kimberley.

Hon Robin Chapple: It is based on numbers.

Hon PETER FOSS: No, it is based on area.

Several members interjected.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

The DEPUTY CHAIRMAN (Hon Kate Doust): Order! Let Hon Peter Foss finish his remarks.

Hon PETER FOSS: The first remark I made was that we have now had revealed that the logic for the method used, was that it achieved the right result.

Hon Derrick Tomlinson: What was the right result?

Hon PETER FOSS: What was the right result? Another interesting piece of terminology used was about pushing the levers. I remember someone else talking about having his hands on the levers, but this is not so much putting hands on the levers as bringing home the bacon, which is another well-known remark of that particular Prime Minister. This is bringing home the bacon for the Greens (WA) and the Labor Party. It is not about having hands on the levers; it is about bringing home the bacon for Labor and the Greens. I thank Hon Robin Chapple for his contribution. He has not added to my state of knowledge; he has added to my state of proof.

Hon Robin Chapple: Labor wanted 3.2 seats in the Mining and Pastoral Region.

Hon PETER FOSS: I do not doubt that. It wanted 3.2 seats but it had to promise five.

I refer to a question I asked before, which concerns area. I have had a quick look to see whether “area” is defined. “Area” is not defined in this bill, in the amendment or in the Electoral Act. What does “area” mean? There are a number of possibilities. It is not clear which of the possibilities it is. Take, for example, an offshore island. Are we talking about the physical land mass area or the area of Western Australia? Many years ago there was a long case about Western Australia because Western Australia, as far as letters patent were concerned, fitted into what was called Queen Victoria’s picture frame. It is a fascinating concept. Members may ask how Queen Victoria’s picture frame can have anything to do with modern-day Western Australia. The fact that Queen Victoria has nothing to do with Western Australia is about to be vividly illustrated to us by the fact that we are sitting here tonight. We are sitting here tonight because we are about to commemorate Queen Victoria’s birthday by snuffing out this house of Parliament.

Hon Derrick Tomlinson: We snuff out on the day of her arrival.

Hon PETER FOSS: We snuff out on the anniversary of her birthday. As such, Queen Victoria is quite important. Why is Queen Victoria’s picture frame important? There was an important case. The first letters patent, which established Western Australia in 1829, had a nice picture frame that showed what Western Australia was. People were encouraged to settle Western Australia. The question was: what was Western Australia? Was it everything within the area of the picture frame or was it only certain bits of what was in the picture frame? Interestingly enough, the case was not decided on the question of Queen Victoria’s picture frame; it was decided on something else. I think that was a great shame. It would have been a very useful decision to have. The argument indicated that Western Australia consisted of the landmass plus the three-mile limit. The three-mile limit can include bits and pieces of water, especially with offshore islands. It is a problem when there are large gulfs. We have a few of them in the north of the state. They are all regarded as being within Western Australia. Interestingly, some are not regarded as being on the high seas; that is, the parts that belong to the commonwealth. Another case was that Western Australia’s boundaries went to the high-water mark.

The state has had arrangements with the commonwealth that allow it to legislate further. Other arrangements allow the state to legislate even further if it has offshore interests. Depending on what people are talking about, Western Australia has the capacity to be all sorts of things depending on the particular legislative capacity being considered at the time. When we talk about Western Australia and the area of Western Australia, we are not told the capacity in which we are looking at it. Obviously, lakes will be included so that when maps are drawn around areas that have a large number of salt lakes, the salt lakes will be seen as part of the landmass of Western Australia. Although there has been no legal support for it, there has been a suggestion that the local government areas which are shown by lines on the map and which appear to go offshore are just for local government. If local government can go offshore, how come the state government is not going offshore when members consider that local government is totally a creation of state government? Where are we going? When making this calculation, do we count the sea intra fauces - that is not an implement for eating - or are we going to count any of the land offshore, to three miles for instance? Are we going to count the land between the high tide on the coast and the islands off the coast?

We have the Abrolhos as a nice little lump off Geraldton. Is the land there going to be counted, and, if so, what amount? I asked that question quite early in this debate. I understand the government will accept this amendment. It would be rather nice to know what the answer is.

Hon Sue Ellery: I will answer the question when I have the opportunity.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon PETER FOSS: I am very pleased to hear that. I thought the parliamentary secretary had ample opportunity to do that earlier. I had hoped that as soon as the question was asked, it would have been answered. It would have helped the debate if we knew what we are talking about in that term. I do not want to just know the government's intention; I want to hear the legal authority for it.

Hon Sue Ellery: When you were out of the chamber I said I would address the issue.

Hon PETER FOSS: I have often heard government members say they will address the issue, but, if we are to debate this issue, it would help to know what it means. Telling us at the end of the debate is not very helpful. The reason I asked the question in the debate on the first clause was to enable the parliamentary secretary to answer it earlier, so that when we came to debating this issue we would have the answer.

I will refer to the matter raised by Hon Dee Margetts that I find quite extraordinary. She says it is like the tax system; it is just marginal. I would be interested to see the tax system that went this way: there is a tax-free threshold to \$100 000 and when the amount reaches \$100 001, one is taxed on the whole \$100 001. That is not marginal; it is disastrous. If a person ever earned \$100 001, he would find himself, even at 1.5 per cent, paying an awful lot of money to the tax office for that \$1. However, if the amount reached \$99 999, it would be tax free. It is a lovely analogy except it does not work. It has a magical cut off at 999 999 square kilometres - an awful lot of square metres and possibly a few square centimetres and a few square millimetres. However, when it exceeds one square millimetre over 100 000 square kilometres it is based on 1.5 per cent. That seems to be a very aggressive tax. It seems that the logic suddenly disappears out the window. That is why I asked what happens if the numbers expand.

Members should keep in mind that the number side is going up in the Kimberley. These numbers are worked out to make sure the Kimberley remains one discrete seat. There will come a time when we will run out of room. At some stage we might get numbers that require a difficult concession between that area and another one, especially if it is in one little lump of the Kimberley. Sure, it will add up. It can be made to work.

I am concerned that the result will not be the result intended and we will have to amend the legislation to meet the map. It is the point I made somewhat pressingly during the second reading debate, even though we did not have any idea what we would be getting - of that there is no measure of doubt - and this is a work back from the chart. If it is called for again, we will rework the chart and the legislation to get the same result. That will take us back to pre-1947. After hearing wonderful statements about principle, in the end we are back to bringing home the bacon. It was not the particular phrase used by Hon Robin Chapple, but one is reminded of it when the member refers to having one's hands on the levers. That is the reality of the matter. If the right result is not achieved, I am sure the government will introduce another piece of legislation supposedly for the benefit of one vote, one value. That will again give some sort of recognition to the wonderful vision of the Minister for Electoral Affairs and the Greens (WA). That wonderful vision is to make sure the legislation consistently brings home the bacon for them. Stripped of everything else, that is the logic of the Greens and the government. Hon Derrick Tomlinson has heard it from the horse's mouth.

Hon Derrick Tomlinson: If you call that logic, that is an interesting use of the term. I would describe it as intellectual gymnastics.

Hon PETER FOSS: Of course it is intellectual gymnastics, but it has one underlying principle, standard and outcome, which is called S-E-L-F I-N-T-E-R-E-S-T. There is no doubt that is a strong motivator. It is a significant personal motivator for many people. If a party likes to pretend to the public that it is not motivated by self-interest but by the greater public interest, it must engage in intellectual gymnastics to make it look like the party is really engaging in something of interest to the public.

Hon Derrick Tomlinson: Therefore, it is not logic; it is duplicity.

Hon PETER FOSS: That is a nice word. I would not deny it. That is a good word that we should use to describe it. Many words can be used to describe this legislation. I believe Hon Robin Chapple has probably come closest to telling us the truth. He has said the Greens started with a map and asked themselves how they could get the result they wanted. That was not a surprise. Hon Robin Chapple happened to use the words of the former Prime Minister, Paul Keating, which were not the words I thought were applicable, but it was a Freudian slip. He knew it was bringing home the bacon but he thought the expression "hands on the levers" was an appropriate alternative. It was an expression used by the same Prime Minister and is the same sort of answer in the end. Is Hon Derrick Tomlinson surprised? I am not surprised. It is what I expected all along. It surprises me that at long last we have heard an admission that that is what it is all about. To address this question so that I do not feel obliged to repeat it and discuss it at length and go into all the possible legal ramifications, I would like to hear the government's case. I do not want to be given bulldust assurances that the government acted on

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

the Solicitor General's advice. Members might wonder why I do not want to hear that the government has acted on the Solicitor General's advice. It is because, strictly speaking, I have not had great reason to be confident in the Solicitor General's opinion in the past. Forgive me, but I suspect that my views are probably shared by some members of the Labor Party who in the past have been similarly asked to assume that the advice was correct on the basis that it was received from the Solicitor General. Without any disrespect to the Solicitor General, I would like to hear something more concrete than that the Labor Party has been given advice by a lawyer, no matter how eminent the lawyer.

Hon Sue Ellery: What if they were as eminent as you?

Hon PETER FOSS: Come on! That is hypothetical. The parliamentary secretary knows that we do not engage in hypotheticals in this house. I would like to hear from the parliamentary secretary not an opinion but references so that I can look at the government's argument and follow it through and see the provisions to which the member is referring. The parliamentary secretary can persuade me by pure logic and say that this particular word means that. She can ask me whether I cannot see that for myself. I will be generous enough to admit that if the parliamentary secretary is good enough at pointing those things out, I will accept it. I am waiting to be told.

Hon Sue Ellery: I am waiting to tell you.

Hon PETER FOSS: It is amazing. How many hours ago did I ask the question? The parliamentary secretary could have said that when this amendment was first moved, but she did not. I am waiting to hear. However, I do not want the parliamentary secretary just to tell me that it will be all right, that the government knows what it means, that this is what it intended and that it has been told it is all right. I want her to show me the provisions that make it right and I will be very happy to listen to her.

Hon SUE ELLERY: As members are aware, the government has indicated that it will be supporting this amendment. It is part of the agreement that has been reached between the government and the Greens. For those reasons, we will be supporting it.

Hon Simon O'Brien: What reason is that? That's not a reason. You've just got some agreement. Haven't you got any argument in favour of it?

Hon SUE ELLERY: In the response I gave to the contributions of members to the second reading debate, I talked about the need to reach a balance. The words used by Hon Alan Cadby tonight are probably good words to rely on. He was speaking in a slightly different context about an objective. When in our case the principal objective is to achieve electoral reform to give effect to the one vote, one value principle, should we take 65 per cent of our objective, knowing that we will not get the remaining 35 per cent; or should we take no per cent because we will not be able to get 100 per cent? Although the words in the proposed amendment were not originally included in the bill, they came before the house in a slightly different formula when we debated the 2001 bill. The words are part of a package of measures that give effect to one vote, one value in 52 of 57 of the Legislative Assembly seats. These measures take the electoral system considerably closer to achieving our principal objective of one vote, one value.

Hon Peter Foss asked whether a large-district allowance included water and the sea. Proposed section 16C(1) of the bill refers to districts in a state. Proposed section 16D(1) refers to regions in a state. The state ends at the low-water mark of the landmass. I refer to the 1975 High Court case of *New South Wales v The Commonwealth*. I think it is referred to as the offshore case. That is the reference I give Hon Peter Foss.

Hon Peter Foss: I actually quoted two.

Hon SUE ELLERY: It must be right then!

Several members interjected.

The DEPUTY PRESIDENT (Hon Graham Giffard): Order, members!

Hon PETER FOSS: I accept it is an argument. The parliamentary secretary can tell that I accept that it is an argument, as I raised it before she did. As the parliamentary secretary might have noticed, the date of that case was 1975 and a few things have happened since then. Although it is an excellent argument and one that one would definitely argue, like all arguments that is all it is. The reality is that a lot of things have happened since then as a result of that case. Not only has the High Court developed the law in that area, but it has also given legislative competence to the state in a number of other areas. Notwithstanding that, the state now has the legislative competence to legislate beyond that area. It was quite impossible to run a practical state without that competence.

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

I asked whether the explanation was correct because I am not totally familiar with the boundaries of local government authorities. However, when I raised the question of the map that I have with me, which has an awful lot of lines an awful long way off the coast of Western Australia, I received a very helpful interjection from Hon Robin Chapple that they were local government boundaries. If they are local government boundaries, why are they so far offshore if Western Australia finishes where the government says it does? Are we saying that local government boundaries go a bit further than the state of Western Australia, or are we admitting that for certain purposes the state of Western Australia can legislate outside what we would normally regard as our constitutional area of capacity? Even without the agreement of the commonwealth, there is no doubt that Western Australia has a certain capacity to legislate beyond the area that the parliamentary secretary has said is within our purview. I am sure that two of the ministers sitting behind her would agree, because they would both have had intimate experience of it.

Hon Kim Chance: The Offshore Constitutional Settlement Agreement.

Hon PETER FOSS: It is not only that. That is not the limit of our capacity to legislate. The Leader of the House has correctly stated the situation. He would be highly aware of that both as Leader of the House and as a former Minister for Fisheries, as Hon Jon Ford would be equally aware. I can see the gleam of recognition in Hon Jon Ford's eyes at the moment. He has plainly also picked up the same point, because any person who has been Minister for Fisheries might wonder how he can be Minister for Fisheries and govern large quantities of the sea. The entire portfolio tends to operate -

Hon Kim Chance: That was a settlement with the commonwealth.

Hon PETER FOSS: It was as a result of this case.

Hon Kim Chance: For a specific purpose.

Hon PETER FOSS: Well, no, it actually allows a very broad range of legislation by the state.

Hon Kim Chance: But defined.

Hon PETER FOSS: Fishing is only one of those areas. It is a very obvious area. There are certainly some constitutional arguments for there to be sufficient nexus for the state to allow a control to take place, in the same way that sometimes that nexus will go beyond the state. For instance, crimes can be declared even though they do not occur in this state. We have had a cooperative scheme for crimes at sea. There are many areas in which the state has the legislative capacity. That is why I asked this question. We have been given a map. All I know is that it says at the bottom that it comes from the Western Australian Electoral Commission. The commission seems to think that it is relevant. If it thinks it is relevant, I am concerned. I do not want to rely upon an opinion of the Solicitor General or the State Solicitor to tell the commission that that is the way it should be applied. I want to make sure that we are passing a law that makes it quite clear that we are referring to the landmass. The explanation given by the parliamentary secretary indicates the land intra fauces. Let us leave out for the moment the offshore settlement and the legitimate rights to legislate offshore. I would like to know, on the basis of the High Court decision alone, whether these little bumpy bits on the north coast of Western Australia are in or out. Are the Cambridge Gulf and the Joseph Bonaparte Gulf in or out? Will they be counted within that area? I am very pleased that the parliamentary secretary has in the house a lawyer whose views I respect on questions of constitutional law. It is very wise of the parliamentary secretary to have that person present. However, I would like to hear her views on whether we will be including very substantial quantities of water without habitation in the middle of the Kimberley area.

Hon SUE ELLERY: There are two issues that I want to deal with. One concerns the shapes to which Hon Peter Foss has referred on the map that he has been holding up. It is important to say in the first instance that those maps were prepared for indicative purposes only. They are not the maps that set the boundaries of any redistribution because, as the honourable member well knows, those boundaries are set by the commissioners. In doing that indicative work, the large polygons on the map are extensions of the boundaries and they take in those islands that are a part of a particular local government authority. The actual shape is an artificial part of the mapping software. I wanted to put that in context.

With respect to the other issue, I am also advised that nothing since 1975 has affected the aspect of the case to which I referred earlier. For example, the offshore constitutional settlement involving the commonwealth and state laws did not affect it. State parliaments could exercise extra territorial legislative power before 1975 and they have been able to do so since 1975. The High Court case did not deal with that. There is a clear difference between, in the first instance, the geographic territory of a state and, in the second instance, the state

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Parliament's extra territorial legislative competence. What we are dealing with in the bill is in the first; that is, the geographic territory of a state.

Hon PETER FOSS: I do not know whether the parliamentary secretary was listening when I was speaking, because she has repeated parts of what I said which is precisely that we did have power to legislate offshore prior to that case and we have had it since that case. Additionally, we have it because of the constitutional settlement. The parliamentary secretary still has not dealt with my intra fauces question. I notice that the parliamentary secretary does not have an answer to that one, but it would be nice to know the answer. I am asking that question because we are dealing with the legislative competence of the state. I want to know whether we are dealing with that area over which we have the legislative competence to deal, because the area of the state never really mattered. It never mattered how far we intended the legislation to go, because it did not really count. It was not going to help very much one way or the other because it did not make any difference to the result. Now it will.

Like it or not, the reality of the matter is that some parts of our waters are considered land. I mentioned lakes because plainly they are considered to be land. Lake Cowan in the middle of Dundas is a very large salt lake indeed, and is considered land. I suppose it is probably appropriate to consider it land, because most of the time it is land. Some bumps and lumps in bays are also considered land, because it is not just a matter of a high or low-water mark. An offshore island that is part of Western Australia does not interrupt what is Western Australia. The gap between the north and south heads in Fremantle is a bit of sea coming in and going out. However, it is still Western Australia. We do not go around saying, "See that blowfish down there; it is in commonwealth territory." It is actually in Western Australia. We do not follow it around in that little bit; it is Western Australia. The Swan River is an estuary that spends half its time coming in rather than going out. It appears that it should be doing so twice a day, except for the strange fact that in Western Australia we have one tide a day instead of two like everywhere else in the world. I have never fully understood why, but the reality is that we do.

Nobody will say that Perth waters are in commonwealth territory. Not for one moment is it suggested that, because it is tidal and because there is a high and low-water mark on the banks of the Swan River, we have somehow wandered out of Western Australia into no-man's land, land that is not part of Western Australia. I will bet members that that will be taken into account. Where will those lines be drawn once we reach difficult bumpy bits in the north west? I would have thought that that was the sort of question that must be asked. If, as the parliamentary secretary says, it is based on the line that purely defines Western Australia, what will happen to bits like Bonaparte Archipelago and all the other ones in the north west? Will they be in? Will they have representation at 1.5 per cent of their area or not?

Hon SUE ELLERY: This was the original question put to us: to what extent do the lines that extend out to sea on the map that Hon Peter Foss was referring to - I indicated that it was not a definitive map and was used for planning purposes - constitute part of the state? The advice provided to me was that the definition of the state is the low-water mark. The honourable member can accept that or not, but that is the advice provided to me. I explained how the lines were drawn as part of an artificial construct of the software used to impose the local government boundaries onto the map of the state. The honourable member can accept that or not, but that is the explanation.

Hon PETER FOSS: That is very reassuring! On that basis, the Swan River is out, is it not? As from today, according to the parliamentary secretary, the Swan River is no longer part of Western Australia. Is that not interesting?

Hon Derrick Tomlinson: Blowfish will not get a vote.

Hon PETER FOSS: Indeed. More importantly, I think we should let the people who go boating on the Swan River know that they are leaving the state.

Hon Derrick Tomlinson: They'll need a visa to go from South Perth to Perth on the ferry.

Hon PETER FOSS: The fascinating areas are King George Sound and Princess Royal Harbour. Some problematic areas of Western Australia have suddenly been brought to my attention by the parliamentary secretary. I always thought they were in Western Australia and I understood that the law said they were in Western Australia; however, they are suddenly not part of Western Australian authority. We get a go while the state shows some relevance to the area; otherwise, it is brought under commonwealth legislation. I suggest to the parliamentary secretary that she is wrong.

Hon Sue Ellery: You can reach that conclusion if you want.

Extract from *Hansard*
[COUNCIL - Tuesday, 3 May 2005]
p1033b-1066a

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

Hon PETER FOSS: I know - I have reached that conclusion. I happen to know that the Swan River, King George Sound and Princess Royal Harbour are part of Western Australia.

Hon Sue Ellery: You know I was talking about the low-water mark of the sea; I said that when I first got up to address the issue.

Hon PETER FOSS: What do you think is in King George Sound and Princess Royal Harbour? It is the sea, in case somebody had not noticed. It goes up and down with the tide and responds to the sea. The parliamentary secretary is suggesting that areas everybody suggested until now were in Western Australia have suddenly become overseas. It surprises me because I am not aware of the ramifications of that decision. It is interesting. One then must find out which of our rivers are tidal, and then tell everybody alongside those rivers that, whereas they thought they were living next to a Western Australian river, they are actually living next to a river within the jurisdiction of the commonwealth. I am afraid I do not agree with the parliamentary secretary. There are rules about what waters are considered to be in the state rather than being part of the ocean. I do not for one moment doubt the law regarding the tide. I have significant problems when it comes to waters that are within four kilometres and are plainly tidal. It is news to me that they are outside of Western Australia. I am afraid I do not agree with the parliamentary secretary.

Amendment (deletion of words) put and a division taken with the following result -

Ayes (17)

Hon Kim Chance	Hon Jon Ford	Hon Dee Margetts	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer (<i>Teller</i>)
Hon Kate Doust	Hon Nick Griffiths	Hon Ljiljanna Ravlich	
Hon Sue Ellery	Hon Kevin Leahy	Hon Christine Sharp	
Hon Adele Farina	Hon Lynn MacLaren	Hon Ken Travers	

Noes (15)

Hon Alan Cadby	Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon Paddy Embry	Hon Barry House	Hon Barbara Scott	

Amendment thus passed.

Amendment (insertion of words) put and a division taken with the following result -

Ayes (17)

Hon Kim Chance	Hon Jon Ford	Hon Dee Margetts	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer (<i>Teller</i>)
Hon Kate Doust	Hon Nick Griffiths	Hon Ljiljanna Ravlich	
Hon Sue Ellery	Hon Kevin Leahy	Hon Christine Sharp	
Hon Adele Farina	Hon Lynn MacLaren	Hon Ken Travers	

Noes (15)

Hon Alan Cadby	Hon John Fischer	Hon Robyn McSweeney	Hon Bill Stretch
Hon George Cash	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon Murray Criddle	Hon Ray Halligan	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)
Hon Paddy Embry	Hon Barry House	Hon Barbara Scott	

Amendment thus passed.

Hon MURRAY CRIDDLE: I move -

Page 9, after line 7 - To insert -

- (a) the Commissioners shall ensure that the region known as the Agricultural Region consists of 7 complete and contiguous districts;
- (b) in making the division required by subsection (1) the Commissioners shall disregard -
 - (i) the electors in that region; and
 - (ii) those 7 districts;

Hon Peter Foss; Deputy Chairman; Hon Dr Chrissy Sharp; Hon Norman Moore; Hon Robin Chapple; Hon Murray Criddle; Hon Alan Cadby; Hon Sue Ellery; Hon Barry House; Hon John Fischer; Hon Dee Margetts; Hon Derrick Tomlinson; Deputy President

- (c) the Commissioners are to divide by 7 the number of electors in that part of the State that is proposed to constitute the Agricultural Region and apply the principle set out in subsection (2) in determining the boundaries of those 7 districts.

This amendment will ensure that the Agricultural Region retains the same number of seats it currently has. The basis for the amendment is that the people in that region believe it has been a very fair way of representation for that region. The services that are required in the region are well known and a reduction in the number of members from seven to four will have a detrimental effect on the representation that those people will get. Obviously, the region is a very large one. It stretches from the Murchison River right through to well east of Esperance and is something like 1 400 to 1 500 kilometres in length, a distance that I have travelled quite a few times. The region contains 68 shires. Representing those people and covering that area demands a great deal of attention. That is the area for the upper house representation. Of course, taking the number of seats from seven back to four, as is proposed in the legislation, will certainly put a lot of pressure on its representatives. It is well known now that members have difficulty getting to the shires even once a year. Getting right across that region is seen as a very difficult task for its representatives. More particularly, there is the lack of opportunity for its constituents to see their representatives face to face.

I could go on for quite some time pointing out the problems that will arise in these electorates and their representation. They spread right across the board. Regardless of what people think, it will affect the areas of education, road services, a whole range of issues with age care, school buses and getting infrastructure into place, which will certainly be a vital issue in these areas. We have made it clear that if these amendments are not passed, we will be voting against the whole proposed section because we think the situation people will end up with will be unfair. Hon Barry House made a number of issues well and truly known to the chamber when he spoke earlier. I will certainly be adopting that approach with the amendment that I have put forward.

I have taken advice and I understand that at page 9, after line 7, I should seek to have inserted “(3) However -” before “(a) the Commissioners shall ensure”.

Amendment, by leave, altered.

Hon NORMAN MOORE: I am getting sick of being here at a very late hour of the night dealing with clauses which are important and which need to be debated when we are not feeling the way we do at this time of night. We have made enormous progress today. I understood that the Leader of the House would have been quite happy to get as far as the beginning of clause 4 today.

Hon Kim Chance: I take your point, Leader of the Opposition.

Hon NORMAN MOORE: I think the Leader of the House should do the right thing now and adjourn the house, bearing in mind that he is expecting us to return at 10.00 am tomorrow, and the same time Thursday and Friday, having sat here all night dealing with his stupid bill. I think it would be a very good time to knock off.

Hon Ljiljana Ravlich: It is not stupid.

Hon NORMAN MOORE: It is stupid; it is the most ridiculous piece of legislation I have ever seen brought into this house. It bears no relation to what the government said it was. I will support Hon Murray Criddle's position on the Agricultural Region, but I would rather do it tomorrow, if that were at all possible.

Progress reported and leave granted to sit again.