

**CONSTITUTIONAL AND ELECTORAL LEGISLATION
AMENDMENT (ELECTORAL EQUALITY) BILL 2021**

Remaining Stages — Standing Orders Suspension — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.33 pm]: I move —

That, if by 4.00 pm, Thursday, 14 October, the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021 has not passed, so much of the standing orders be suspended as is necessary to enable the Speaker or chair to put all questions necessary for the bill to pass, without delay or further debate or amendment, as follows, and to the extent that the questions have not already been put —

- (a) “That the bill be now read a second time”;
- (b) “That all clauses and the long title of the bill be agreed to” or, if the bill is in the consideration in detail stage, “That all remaining clauses and the long title be agreed to”; and
- (c) “That the bill be now read a third time”.

In speaking to this motion, the house will be aware that it is the government’s intention to pass the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill to enable it to enter the other place. Debate commenced, of course, yesterday, and we sat until just after one o’clock this morning. Of course, time has been set aside under government business for that bill today and into this evening. The bill is currently in the consideration in detail stage. The house will, of course, sit later tonight, so I am confident that we will be able to deal with all stages of the bill before, or by, the 4.00 pm deadline tomorrow.

MR V.A. CATANIA (North West Central) [12.35 pm]: The house finished sitting at about 1.03 this morning. We consistently asked throughout our speeches on the second reading stage why the government is trying to rush this legislation through. Why is the government not prepared to send this legislation to a committee so that it can be properly reviewed? Why is the government prioritising in this place legislation that is going to diminish representation for regional Western Australia? Why is the government prioritising this bill over other legislation that seemed to have been a priority weeks ago but now is not a priority? I just want to understand why the government is trying to rush this through. The government has the numbers. The legislation is going to get through no matter what in this place and in the other place. I just do not understand why the government wants to avoid the scrutiny by, firstly, not taking it to a referendum —

Mr D.J. Kelly: Where everyone’s vote is the same—one vote, one value.

Mr V.A. CATANIA: Are you afraid of something, member for Bassendean?

Mr D.J. Kelly: I am pointing out the inconsistency of your argument.

Mr V.A. CATANIA: The member for Bassendean’s inconsistency—he did not even get up and speak on the bill, just like the member for Pilbara did not speak, just like the member for Kimberley did not speak and just like other regional members did not speak. But the two retiring members, the members for Bunbury and Mandurah—stood up because they want to try to get a job after they leave this place. The member for Bunbury became the Minister for Fisheries because he is going to go fishing after 2025. He does not care. It is clear that other regional members do not care because they are toeing the factional line. They know the power of the Premier and how he will come down on them. I said in my contribution to the second reading of the bill last night that everyone in industry knows and is concerned about the power grab that the Premier and the Labor Party are making and about the way that the government is conducting itself through this process and through the Legislative Assembly by rushing this legislation through.

It is difficult also for the six members of Parliament in here who are holding the debate. The government is obviously preventing other members from speaking their minds because they may say something out of whack or that is not in line with the media reports of a dictator or the reports of a leader who is out of control. The government is behaving in a way that that is not right for democracy. It is not allowing proper debate to occur. It is not right to tinker with legislation that avoids taking this matter to a referendum so that the people of Western Australia can actually decide, given the fact that this matter was not on the agenda prior to the 2021 election; it is not part of the government’s mandate. We are seeing now a lot of other attacks on industry in areas that were not part of the mandate that the Labor Party took to the 2021 election. I think that makes it at least fair enough to warrant this legislation being referred to a committee.

The government is trying to rush legislation through because it has the numbers. It might as well just guillotine debate on the legislation. What is the point? This is guillotining by stealth. A member asked, “Why don’t you just guillotine debate?” The reply was, “Oh, we’re not like that.” But the government will guillotine debate by 4.30 pm tomorrow. How is that democratic? How can we properly go through the 97 clauses of this bill to ensure that it is accurate, does not have any gaps and reflects what the government is trying to achieve? The government is trying to cut out regional voices and change the landscape to suit its own political needs.

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This legislation is nothing to do with one vote, one value, as we discussed last night, because regional people and people in the city clearly are not equal in respect of health, education, law and order and infrastructure. The issues faced by people in regional WA are not the same as the issues faced by people in the city. There is a disparity between regional electorates and Perth electorates, and that is why this legislation has nothing to do with one vote, one value. There may be one vote, but there is no equality between places like Wiluna and Butler.

Mr D.J. Kelly: Or Mt Claremont.

Mr V.A. CATANIA: Or Bassendean. Last night we heard a lot of sniping from the member for Bassendean and the member for Warnbro. They kept sniping for hours on end, but never got up to speak. They have nothing to contribute to this debate. The two so-called regional members of the government got up and spoke against their own electorates being represented. That clearly indicates that they are retiring. They are looking at employment after they leave this place and hoping that the Labor Party wins in 2025.

This legislation was not part of any policy agenda prior to the 2021 election. In fact, the Premier consistently said that this issue was not on the government's agenda. The opposition and the people of Western Australia know that the government does not have a mandate on this issue. That is why the opposition has gone down the path of proposing a referendum, to which the government has clearly said no. We proposed referring the legislation to a committee; the government said no. We are trying to make sure that this legislation is properly scrutinised, but the government is guillotining debate by stealth.

The people of Western Australia do not like being forced into something they did not vote for. That is why the tide is turning. Industry associations and lobby groups are all fearful of what comes next. We often talk in this place about how there is a regional–Perth divide, but the people of Perth are also rightfully concerned about the action the government is taking in regional Western Australia. They will vote with their feet at the 2025 election to say that this is not on.

We have seen the deadwood of the Labor Party, the Minister for Forestry, cutting the legs off an industry and a regional town. Yet again, there was no mandate for that because the government did not bring a policy to the 2021 election. As I said late last night, we now see that the Premier is not in control of the Labor Party; it is the left—people like the members for Bassendean and Fremantle. They are the ones who are steering the ship. Who has the sail and who has the rudder?

Mr D.J. Kelly interjected.

Mr V.A. CATANIA: I do not know whether the member for Bassendean has the sail or the rudder; I think it could be the member for Morley. The Minister for Environment might have the rudder at the moment. They pass the rudder around. The left clearly has control. We are now seeing the policies that always undo the Labor Party. Some of us predicted that this would happen; I did not predict that it would happen this quickly. The government will be starting 2022 on a bad note. People will be saying, “Jeez, if the Labor Party and the left can do this to Western Australians in regional Western Australia, what will they do to me in Perth?” They want to protect their rights, and when a political party goes to an election, they want to know the policies it is putting forward so that it can be given a mandate.

The government has clearly lied to the people of Western Australia on many issues, and that is why it should not guillotine this debate by stealth. It should allow the proper processes to occur, and if it takes two weeks, so be it, because there is clearly no other legislative priority; the government's priority is electoral reform, not the pandemic. The government does not want to have a crack at securing the Commonwealth Games because we are in a pandemic and apparently its priority is saving lives. If that is the case, will this legislation, designed to rid regional voices in WA, save lives? It is the government taking a political advantage that the Labor Party has always talked about. When I was in the Labor Party, that is what it talked about: “How can we get rid of the National Party?”

Mr D.J. Kelly: You were begging for a seat in Parliament.

Mr V.A. CATANIA: By gosh, I am lucky that I am on the National Party side. The government cannot get rid of me through the election campaigns it has run against me. The only way it can do it is through electoral reform to reduce regional representation. My guess is that the government's ultimate aim is to take a seat from the Mining and Pastoral Region and put it in Perth to create another seat for Labor. We all know that. It cannot win fairly by putting good policies and ideas for regional development forward before elections; it does not do that. It has to resort to using its numbers to guillotine debate and pass draconian legislation that will take away regional people's right to representation in this place.

We on this side back regional people; we back all Western Australians. We will make sure when we go to the next election that the people of Western Australia will know exactly what the Labor Party is all about. It is all about securing numbers for the future. I issue a warning to upper house government members from the Mining and Pastoral Region who all think that once there are 37 members in the Legislative Council, the left of the Labor Party will preselect them. There are already members circling to get number one, 10 or 15 out of 37. Through this legislation,

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the preselection of current members in the other place will be in jeopardy. They need to think about that. This legislation will not only reduce regional representation; it will also get rid of current members. I know how the Labor Party works and some members opposite know how the Labor Party works. It sees the upper house as a way of placating the factional warriors, the stalwarts of the Labor Party. That is what the government will do. I would be very wary if I were a member of the Mining and Pastoral Region and particularly if I were a member of the Agricultural Region or the South West Region. It will be interesting to hear what those members say during the debate. It is neither right to guillotine the debate nor democratic, and doing it by stealth shows that the government does not care about making sure that it has good legislation and that we have a proper debate. This is about hurrying up and using the government's numbers to get the legislation thorough so that the government can park it and not talk about it until the 2025 election. Let me tell members that we on this side of the house will remind every voter, whether they live in regional Western Australia or in Perth, that this government did not want to debate this legislation that will take away the rights of the people of Western Australia.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [12.50 pm]: I rise to echo the comments of the member for North West Central and to put on the record the government's appalling abuse of its numbers in this chamber on such an important bill. It has taken seven months for this government to flex its muscle and use its numbers that were gifted to the government by the people of Western Australia. This is an important issue to change the process of electing people to the state Parliament. The government should use its numbers judiciously, yet we now have a deadline hanging over our head of dealing with this legislation by 4.00 pm tomorrow. We sat until 1.00 this morning to deal with the second reading and to start the consideration in detail stage.

The reason that we are so appalled is that the whole process has been a complete sham. This issue was not on the agenda before the election. The Premier denied that this was going to be on the government's agenda, but it was the first order of business that the government pursued. The government formed the Ministerial Expert Committee on Electoral Reform. I use the word "expert" loosely, because we know that the panel was pulled together comprising people who already agreed with the position that the government wanted to deliver through this legislation. We had the shambles of the ministerial expert committee's process in which a discussion paper was created halfway through the process after submissions had already been called for and so the deadlines had to be extended. The panel announced its report on the same day that this legislation was read into the house. The opposition called on the government at that time to consider putting off this bill until there had been a referendum, but that was dismissed. We formally called for that again during the debate yesterday and we also asked the government to consider sending the legislation to a committee, given that there has not been an opportunity for the people of Western Australia to scrutinise it and that the ministerial expert panel's terms of reference were very narrow. We raised a number of issues about how this legislation would be rolled out from a financial and a practical perspective and about allowing stakeholders like the Western Australian Electoral Commission to be more involved in the briefings on the legislation than we know it was, but the government rejected all that.

There are three years until the next election. What is the rush to allow sensible debate using the normal processes of the house within the normal parameters of our standing orders? We understand the intent, the purpose and the desire of the government, but it is not allowing the opposition to do its job, which does not mean sitting here until 1.00 am or 2.00 am. We are entitled to ask the questions. The government might not like them, but we are entitled, and will be expected, to ask them as an opposition. To have this deadline hanging over our heads simply tells us that the government is not interested in due process and proper democratic debate. That is clearly the message the government is sending to the people of Western Australia. The government is preventing the opposition from exploring this during the normal operating hours of the Parliament and under its usual standing orders. Shame on you, Leader of the House, and shame on the government. The Premier made a promise when he said after the election that he would make sure that he would use the government's numbers prudently and judiciously. He said that he was elected to govern for all of Western Australia. Seven months into its term, the government has failed on a critical piece of legislation that changes the way members are elected to represent the people in Parliament to make decisions that impact on people's lives every day.

What else can we expect from the government? I implore the Leader of the House to explain his rationale, because it cannot be anything other than a political one. Obviously, a press conference or a celebration has been arranged and the government is working towards that deadline, which does not take into consideration actually doing the job that we in this house are tasked with. We will sit here for as long as we need to, but we know that we are working to a 4.00 pm deadline tomorrow on a complex bill that has 97 clauses and 65 pages. A number of the issues in it have not been canvassed. They were not canvassed with the ministerial expert committee either. We know that the Western Australian Electoral Commission did not have any involvement in a majority of what has been brought forward. It is not unusual for us to seek to have greater clarification on these types of issues. All this does is add to the farce that we have seen throughout the entire process of this bill. It is politically and ideologically motivated, and it will disenfranchise Western Australians, particularly those in the regions. It is a disgrace.

Leader of the House, please explain it to us and to the people of Western Australia. People are watching this debate to see how the government conducts itself with the numbers that it has in this place. This is just another example that we can point to of the arrogance that is seeping into this government. The government could have simply allowed the debate to take its natural course and achieved the outcome that it so clearly desires with the numbers that it has in both houses of Parliament. Instead, the government is forcing through this legislation by putting a deadline on the opposition. I think that the only words to describe it are that the government is gagging the debate. I think the member for North West Central is exactly right. It is an absolute disgrace and we cannot support what the government is seeking to do.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [12.56 pm]: I will make some additional comments, backing up the Leader of the Opposition and the member for North West Central, in response to the government's efforts to ram through this legislation. It is an insult to not only the parliamentary process, but also the people of regional Western Australia and the communities we represent. There is no reason at all why this legislation is an urgent matter at this time, particularly when the health system is in extraordinary crisis and when since 2017 and including during Mental Health Week we have seen a 25 per cent increase of mental health presentations in emergency departments. There are many other priorities that this government could be, and should be, addressing and looking at. It is a disgrace that the government is using its popular vote and its overwhelming majority to ram through legislation that will remove our distinctive regional representation and take away the political voice of some of our most vulnerable communities. The manner in which this has happened is disappointing and consistent with a government that has illustrated a heightened level of arrogance. It is drunk on its own popularity.

I back up the comments of other members in this place about why this legislation is not urgent. We have already outlined why it is being implemented in the first place, but why is it a priority at this time and why is the government effectively gagging the proper scrutiny of and debate on the bill and taking this blunt approach to the notion of fairness? This piece of legislation clearly misses the mark.

I will leave my comments there. If this is the way that the government will pursue its priorities going forward, it is a very sad reflection on what has been an overwhelming level of support given to this government by the people of Western Australia—that is, the fact that the government has abused its status of having such a strong majority and used its political opportunity in such a way. The Labor Party dream of 120 years to take away that regional voice is deeply distressing and the manner in which this has been achieved is an absolute disgrace.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [1.00 pm]: I will not be very long at all, because I am conscious of the need to get on, with, inevitably, the limited time we are going to be left now to discuss this very important electoral amendment bill we are faced with. I would just like to make a comment, because I am not sure it has been made here today. This is just a cynical exercise obviously intended to ensure that this legislation gets to the other house in time for it to be lodged there before it rises for the week, and we know it has estimates after that. This is just about getting this bill on the program up there so the government can railroad the Legislative Council just as it is railroading the Legislative Assembly and the people of Western Australia. It is a disgrace; you are a disgrace. This is something the people of Western Australia will not forget.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [1.01 pm] — in reply: In responding to and closing debate on this motion, the opposition would be well aware that I gave notice in a letter to the Leader of the Liberal Party and the Leader of the Opposition that the intention was for the government to pass the bill by 4.00 pm this week. This is a reform bill by this government. It is part of our commitment to reforming the other place. It is as a result of recommendations made by an expert panel. The bill was considered by cabinet, drafted and subsequently presented to the house. It is a bill that we intend to debate and pass. We have made provision for this bill to be debated in a timely manner. That is why we sat so early this morning, and I think we have made progress to clause 7 or 8 up to this point in time. We have time today and into the evening, and I have already foreshadowed that we will be sitting later tonight. We also have tomorrow.

The issues raised by the member for North West Central about referendums have already been debated as part of an amendment put during consideration in detail that we have now debated and dealt with. The issue of referral to committee, again, was moved in a motion, debated and dealt with.

I have some questions that have not been answered by the opposition about issues relating to the content of this bill. My understanding was that there was going to be a rally yesterday on the steps of Parliament. There were paid Facebook advertisements from the Liberal Party and the Nationals WA requesting people to attend a public rally at Parliament House. They were posted on Facebook. When I looked at the post late on Monday, there were nine likes, or nine people intending to attend. I do not know why it did not occur, because the opposition has been arguing that this is a massive issue, and it is strange that not only did nine people on Facebook indicate that they were going to attend, but the rally did not happen. I do not know why; it was not our rally. It was a rally promoted strongly by the Liberal Party, and the post appeared on the Leader of the Liberal Party's page as well as, of course, that of the

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National Party. They were rallying people to come to Parliament House to oppose this legislation. I do not know why the rally did not take place, but it certainly did not take place yesterday as was proposed.

We also need to look at the hypocrisy —

Mr V.A. Catania interjected.

Mr D.A. TEMPLEMAN: — of the member for North West Central, because we only need to refer to his mate “Big Nick” and his comments about reform of the Legislative Council. “Big Nick” was a candidate for the National Party in the last election. Nick Fardell was number 1! He was not just down the ticket; he was number 1 for the National Party Mining and Pastoral Region ticket. We know he is closely aligned to the member for North West Central; he is a very good mate of his. What were his comments about reform of the upper house? He has a very reformist position that he has put very strongly, including when he was on ABC radio on 3 May this year. When “Big Nick” was asked what he thought, he said the review did not go far enough and it should go further. He said that reform of the upper house should go further. This is an endorsed National Party candidate, who was number 1 on the ticket for the Nationals in the Mining and Pastoral Region. He was the number one pick. He was not number 5, 6 or 2; he was number 1. I am sure he was put up by the member for North West Central—“Big Nick”! What did “Big Nick” say? I quote him —

I’m a fan of actually scrapping it.

“I am a fan”, said “Big Nick”, “of scrapping it.” He continued —

It works in other places. We’re the most over represented population in the world.

I’m going to do a petition to say who wants to save \$50 million and get rid of 36 politicians altogether.

“Big Nick”! “Big Nick” said that. What an intriguing character is the number one pick for the National Party in the Mining and Pastoral region at the 2021 election campaign. What else did he say? He said —

A lot of the people in the upper house are nameless people and faceless people. So we don’t know about them.

And he said —

Several members interjected.

Mr D.A. TEMPLEMAN: This is “Big Nick” talking. He said —

If you’re going to be fair dinkum, rule that in and have a fair dinkum conversation ... it saves \$50 million a year. I’m sure everyone who pays taxes would like the government to save \$50 million a year.

These are the words of the number one pick by the National Party on the Mining and Pastoral Region ticket in the 2021 election—“Big Nick” Fardell. What a giant of the National Party proposing radical reform. The opposition reckons ours is radical, but, goodness gracious, it is on the extreme of radical for “Big Nick”. Good on you, “Big Nick”, wherever you are, son! We are intrigued by your consideration for the National Party, being number one pick for the Nationals in the Mining and Pastoral Region. I do not think “Big Nick” was successful. Sadly, a political career cut short before it even started! But the words of “Big Nick” will come back to haunt the National Party, whose members over this debate have wrung their hands talking about the demise of democracy in Western Australia, when all we are trying to do is reform it so representation is fairer. But “Big Nick” wants to go further. That is “Big Nick”, backed by the member for North West Central, the number one ticket pick for Mining and Pastoral Region—“Big Nick” Fardell. I do not agree with “Big Nick” Fardell; neither do we.

Ms M.J. Davies: Neither do we.

Mr D.A. TEMPLEMAN: I would not think the Nationals would! They probably do not now. I would have thought he was a huge embarrassment for the Nationals, Leader of the Opposition, really, to say he is a fan of scrapping the Council. He wants to save some money—that is a good thing—but he wants to do it by getting rid of all the people in the other place.

We have dealt with the referendum discussion; we have debated and dealt with it. We have debated and dealt with the referral to a committee. There was a rally planned. I was expecting hundreds and hundreds of people, because this is a big issue. I was expecting hundreds and hundreds of people out there yesterday. Nine said they might come, none of them turned up. That is from what I can assume. But the central matter is this, and it was mentioned yesterday. It is a reform of this government. This is a reforming government. It has a history of reforms for equity and fairness. This bill is about equity and fairness. This bill is about making sure that people’s votes are equal, and it is about making sure we no longer have malapportionment in the other place, which other commentators have clearly articulated as being grossly unfair and draconian. Those are not my words; those are the words of other commentators, many of them very esteemed in the political scene.

We will obviously be supporting this motion. I expect that we will be concluded by Thursday. The opposition Whip and I had a conversation about some other items of priority for the opposition and its leader for tomorrow.

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I do not know whether that has changed, but the fact of the matter remains that there is ample time for debate. We are up to clause 8 of the bill and we will have the debate and continue to reform a house of this Parliament that at the moment is not cognisant for equality in terms of voting.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the ayes, with the following result —

Ayes (38)

Mr S.N. Aubrey	Mr M. Hughes	Mr K.J.J. Michel	Mr D.A.E. Scaife
Mr G. Baker	Mr W.J. Johnston	Mr S.A. Millman	Mrs J.M.C. Stojkowski
Ms H.M. Beazley	Mr H.T. Jones	Mr Y. Mubarakai	Mr C.J. Tallentire
Mr J.N. Carey	Mr D.J. Kelly	Ms L.A. Munday	Mr D.A. Templeman
Ms C.M. Collins	Ms A.E. Kent	Mrs L.M. O'Malley	Mr P.C. Tinley
Mr R.H. Cook	Dr J. Krishnan	Mr P. Papalia	Ms C.M. Tonkin
Ms D.G. D'Anna	Mr P. Lilburne	Mr S.J. Price	Ms S.E. Winton
Mr M.J. Folkard	Mr M. McGowan	Mr D.T. Punch	Ms C.M. Rowe (<i>Teller</i>)
Ms M.J. Hammat	Ms S.F. McGurk	Mr J.R. Quigley	
Ms J.L. Hanns	Mr D.R. Michael	Ms A. Sanderson	

Noes (5)

Mr V.A. Catania	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)
Ms M.J. Davies	Ms L. Mettam	

Question thus passed.

Consideration in Detail

Resumed from 12 October.

Debate was adjourned after clause 7 had been agreed to.

Clause 8: Section 18 replaced —

Ms M.J. DAVIES: The explanatory memorandum mentions that clause 8 is essentially a modernisation of the language and refers to the Legislative Assembly. I am seeking some clarity. We are removing the regions and there is a change of the language from regions to districts. This clause will also remove any delineation between regional and metropolitan areas. Is that correct?

Mr J.R. Quigley: Correct.

Ms M.J. DAVIES: Has there been no material change of the substance of section 18 that clause 8 is replacing? I will rephrase the question. When the explanatory memorandum says this clause is modernising the language, can the minister explain what that means and what the changes are?

Mr J.R. QUIGLEY: I do not know whether the Leader of the Opposition has the old Constitution Act in front of her.

Ms M.J. Davies: My desk is not quite big enough to fit all those pieces of paper!

Mr J.R. QUIGLEY: I have mine bound up in little books here because it swamped the table! Does the Leader of the Opposition have section 18 in front of her?

Ms M.J. Davies: Yes

Mr J.R. QUIGLEY: I am referring to the Constitution Acts Amendment Act 1899.

Ms M.J. Davies: I have the bill in front of me; I do not have the act that it is amending.

Mr J.R. QUIGLEY: There was no numbering under the old section 18. Does the Leader of the Opposition see proposed subsections (1) and (2)?

Ms M.J. Davies: Yes.

Mr J.R. QUIGLEY: They were not there before; they are now there. Section 18 used to state —

The Legislative Assembly shall consist of 59 elected members who shall be returned and sit for electoral districts.

Now it is sharper; proposed section 18 states —

- (1) The Legislative Assembly is to consist of 59 elected members.
- (2) Those members are to be returned and sit for electoral districts.

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It is just modernising that. The Leader of the Opposition does not have the advantage of seeing it. Would the Leader of the Opposition like to see my copy for a moment?

Ms M.J. Davies: No; that is okay. Essentially, there was one statement before and now it is separated into two subsections. The first subsection states there will be 59 members and the second subsection states that they will be returned and sit for electoral districts. There is no material change to the outcome.

Mr J.R. QUIGLEY: No. As the explanatory memorandum says, it is modernising it to get consistency.

Ms M.J. Davies: Okay. Thank you.

Mr J.R. QUIGLEY: I have a personal explanation to make, too, in relation to an answer I gave yesterday. I do not know whether I could be given leave to make a personal explanation.

The ACTING SPEAKER: Let me deal with the clause first, Attorney General, and then I will let you do that.

Clause put and passed.

Personal Explanation

Mr J.R. QUIGLEY: I wish to make a personal explanation to the Parliament in relation to two matters that I spoke to last night; it was a late night. In answer to the Leader of the Opposition's question about entitlements, I said a letter had gone to the Salaries and Allowances Tribunal about entitlements, whereas in fact the letter has been drafted by the Premier and is ready to go to the tribunal. As the bill has not passed, the letter has not been dispatched. I said that it had been dispatched. My answer would have given the impression the letter has already gone, in advance of the bill, but it has been drafted by the Premier and is ready to go once the bill passes.

The other matter that occurred late last evening was that I was asked by the Leader of the Opposition and the member for North West Central to explain why the membership of the Legislative Council will go from 36 members to 37 members. Late at night, I was trying to give the arithmetical explanation.

Ms M.J. Davies: I think it was the member for Moore who was doing the maths.

Mr J.R. QUIGLEY: With 36 members, one side has to supply a President, which reduces one vote. It is only relevant in a close election in the Council.

Ms M.J. Davies: Sure.

Mr J.R. QUIGLEY: Out of 36 members, if the election returns 18 members a side, one side has to supply the President.

Ms M.J. Davies: Then you have to sneak across and see if you can get one of the other guys, which has been done.

Mr J.R. QUIGLEY: However it happens—or get an Independent or someone else into the chair. That reduces the number to 18–17, with one up in the chair. The person in the President's chair will never actually get to cast a casting vote because when a contentious matter comes up, the vote will be 18–17. Perhaps the government has 18 members and the opposition has 18 members. In that scenario, the government loses one to the chair. On a vote, the opposition will always win 18–17. The President will never get to cast a casting vote because the opposition will always win by one. The government business, whether it be a conservative government or a Labor government, would not be able to move forward. If it is 37 members, the closest vote will be 19–18. In a close vote on a contentious issue, the chamber could then become deadlocked at 18—all on the floor. That is why we say that it enlivens the President's vote, because the President will get a casting vote and Western Australia will not be left in a deadlocked situation or a situation in which legislation cannot get through. That is my explanation. I was a little clumsy trying to explain that last night. Thank you, Acting Speaker.

Debate Resumed

Clause 9 put and passed.

Clause 10: Section 4 amended —

Ms M.J. DAVIES: Before I ask a question about this clause, I thank the Attorney General for his explanation. The point we were making last night was that there have been circumstances in the Legislative Council in which the government of the day has had to try to negotiate to find a chair from the other party, or an Independent. I would think that the convention and the way that the bicameral system has been set up is that that is the exact check and balance that was envisaged; and, if legislation cannot be passed in the Legislative Council, that will provide a balance. I understand what the Attorney General said about the party in government wanting its agenda to progress, but Parliament is not about progressing the government's agenda; it is actually about providing good legislation and making sure that debate is balanced. We have equally been on the other side at times when it has been frustrating to have to knit together crossbenchers and votes to get things passed. The concerns that we raised about increasing the number of people in the Legislative Council simply to achieve the government's outcomes still stand. I am not

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sure that that is necessarily the way best way to progress, but we have moved on. I thank the Attorney General for the explanation; we appreciate that. I am sure there will be great discussion in the Legislative Council when that particular clause is debated up there.

Mr J.R. Quigley: I am sure.

Ms M.J. DAVIES: Clause 10 refers to the definitions of “district”, “region”, “voting ticket” and “voting ticket square” under proposed section 4(1). We will essentially delete references to the regions in Western Australia in the Parliament. This is predominantly where we have an issue. It will bring into effect the whole-of-state process; the definitions are a part of it. I anticipate that it will bring into being the whole-of-state process. The challenge we have—I suspect it will fall on deaf ears—is that under the current system we have districts and regions. Members of Parliament are clearly delineated for specific areas of the state. Part of the concern we have with the whole-of-state model that this clause will bring into effect is that there will be a retraction of members back into the metropolitan area. The removal of “districts” and “regions”, or changing or deleting them from the act, will delete the requirement for the Western Australian Electoral Commission to take any notice of the fact there are regional seats and metropolitan seats. As we have discussed already, as a consequence, that will result in a further retraction and an increase in the number of seats in the metropolitan area. Could the Attorney General run us through the rationale once more for the removal of any notion of or reference to “regions” or “region”, and what alternatives were considered when the recommendations of the ministerial expert panel were brought to him to balance out some of the views that were put through that process?

Mr J.R. QUIGLEY: I just missed the last half of your last sentence, I am sorry. What process was there —

Ms M.J. DAVIES: — to balance out the recommendation of the ministerial expert committee, which was that there should be a whole-of-state model? Were any other models considered, once the Attorney General had that advice from the ministerial expert panel, to retain some notion of regions or reference to regions in the Electoral Act?

Mr J.R. QUIGLEY: I understand the question. Thank you very much, Leader of the Opposition. Yes, the discussion paper offered two alternatives for people making submissions, and they really leant upon the practices in other states of Australia. The two alternatives placed in the discussion paper were, firstly, a whole-of-state model; secondly, four regions of nine members each. It was not a matter of inevitability that it came up with the whole-of-state model; that is what the ministerial expert panel put in its discussion paper. We could have a whole-of-state model, like New South Wales and South Australia, or we could have regions, like Victoria, and each region would have the same number of people, reflecting the population, which would have resulted in four regions of nine. One of those regions would have been regionally based. They were the two models.

The ministerial expert panel lobbied heavily for the first one and said that it was almost a matter of inevitability that we go to the first model because, with the effluxion of time, with more people living in and around the metropolitan area, the malapportionment would soon start to reappear. We would have nine seats in the country and 27 in the metropolitan area, and the metropolitan area would be growing and growing. That is one aspect of it. The other aspect is that it would have unfortunately halved the vote in the bush. There are now 18 members concentrating on the bush, but under the second model, there would be nine; whereas, under the model that is before the Parliament now, 37 people will be responsible for looking after the whole of the state. Mr Gregor recommended in his Commission on Government report, following the WA Inc royal commission, that members of the Council should not be focused on their local region; that is the job of this chamber. In the house of review, all members should be looking at the whole of the state.

As to the proposition that over a period there will be a drift of all members into the metropolitan area, the Labor Party rejects that. The Labor regional members of the Legislative Council at the moment in this forty-first Parliament are the honourable members Carr, Dawson, Foster, Jarvis, MacTiernan, McGinn, Payne, Sahanna, Talbot and West. Those honourable members all have regionally based offices, not Harvest Terrace offices, which is where the member’s office was placed in the old days when she was a member of that chamber—their offices are all in the bush.

The second thing that will mitigate against this, which we referred to earlier this afternoon, is the issue of entitlements. Those members who are genuinely regionally based have to maintain their regional allowances. Allowances for charter flights, living away from home and all sorts of others are currently made to members who are regionally based. We want to maintain that. That is why the Premier has already drafted a letter to the Salaries and Allowances Tribunal. The terms of that draft in essence ask SAT to consider that those members elected under the new system who are genuinely regionally based should still continue to enjoy the entitlements of regionally based members under the current system.

Ms M.J. DAVIES: Further to that explanation, the Attorney General referred to members who are genuinely regional. How will that be determined? I do not see that as a definition in the legislation anywhere.

Mr J.R. Quigley: No.

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Ms M.J. DAVIES: The effect of this clause is to remove “region” and the definition of “region” from the bill, but the Attorney General is talking about a genuinely regional MP still being given appropriate resources.

Mr J.R. Quigley: Correct.

Ms M.J. DAVIES: That will be at the behest of whoever is in government at the time. I would like to understand more about what the Attorney General sees as a genuinely regional MP.

Mr J.R. QUIGLEY: Sure. Ultimately, that will be not at the behest of the government at the time, but the state Salaries and Allowances Tribunal will determine a genuinely regionally based member. I will not foreshadow the tribunal’s test to determine a genuinely regionally based member, but I imagine they would have to have an office in the regions that is accessible to the voters in the regions. That is the first point. Residential qualification has never been a criterion for the entitlements, as the member would know from her experience as a member of the Legislative Council. It will be up to the Salaries and Allowances Tribunal to look at the member’s circumstances and ask, “Is this a genuine regional member or is this just someone having us on?” I would think that if a member said, “I’m a genuine regional member, I’ve got a residence in Northam but I’ve got my office in Harvest Terrace”, and it turns out that their residence in Northam is just a rental and they have a house in Perth, all these factors would be looked at by the State Administrative Tribunal. It is no ambition of this government—quite the contrary—to strip any entitlement from regionally based members. We want to see all citizens of Western Australia be properly serviced and have proper access to their members.

Ms M.J. DAVIES: The Attorney General has stated the intent, but I cannot see it anywhere in writing. We already have serious concerns about the impact of this legislation and the removal of that regional representation. The Attorney General is saying that the government does not intend to reduce entitlements for genuinely regional MPs. The allocation of offices is actually at the behest of the Department of the Premier and Cabinet. For the Attorney General’s interest, when I was first elected, there were no offices for me to go into, and I know that other members have had similar experiences. In fact, I know that the member for Moore had to pay for his own office for a number of years before offices were made available for him in his electorate.

Mr J.R. Quigley: It’s shocking, isn’t it?

Ms M.J. DAVIES: He has always been in his electorate, but that is at the behest of the Department of the Premier and Cabinet. Compounded by the fact that we have legislation here that is specifically removing reference to “regions”, the Attorney General is saying that the State Administrative Tribunal —

Mr J.R. Quigley: I got it wrong; I am sorry. That is what the distraction was. It is the Salaries and Allowances Tribunal.

Ms M.J. DAVIES: Sorry; that is my mistake.

Mr J.R. Quigley: No, it is mine; I misled you.

Ms M.J. DAVIES: The Salaries and Allowances Tribunal will have to take into consideration whether a member is genuinely regional, but, as far as I can tell, there is nothing in the definitions or any of the amendments that I see here—in fact, it goes in the opposite direction—to give an indication of what a genuinely regional member will be and how that financial support will be provided.

Mr J.R. QUIGLEY: We will wait until we get to clause 96 because it has a consequential amendment to the Salaries and Allowances Act.

Ms M.J. Davies: Sorry; which clause is that?

Mr J.R. QUIGLEY: It is clause 96, but we are getting a little ahead of ourselves.

Ms M.J. Davies: That’s okay; we can wait. We will get to it then; that’s fine. Maybe we will ask you now; we might not get there!

Mr J.R. QUIGLEY: We will wait until we get to that clause. There is no stipulation as to allowances in the current act. That is a determination made by the Salaries and Allowances Tribunal. At the time of the review, any member—I do not do this but I know that people in my party do—can make a submission to the Salaries and Allowances Tribunal. The government has 10 members in the regions; it will be making submissions that they be properly resourced and have their regional entitlements maintained. I do not know whether the opposition will be doing that, but we will certainly be doing that, and that is why we are writing to the Salaries and Allowances Tribunal to see that that happens. It is very important for all citizens to have proper access to their members and that the members have sufficient resources to get to them et cetera. That is why members in the country have a different vehicle. That is why they have charter —

Mr R.S. Love: A different vehicle?

Mr J.R. QUIGLEY: I thought members in the country had an entitlement to a four-wheel drive or something.

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Mr R.S. Love: That was a long time ago.

Mr J.R. QUIGLEY: I do not know members' entitlements but I know that there are regional entitlements. I think there are charter flights as well and things like that. We want to maintain all that and that is why I am writing to the Salaries and Allowances Tribunal; I have already drafted the letter.

Mr R.S. LOVE: After listening to that discussion, a couple of matters around regional representation come to mind. At the moment, there is a definition of "region" in the act in the sense that, broadly speaking, anyone outside the metropolitan planning region is considered to be regional. There are other considerations, policies and places that are a little bit quieter on what is regional. During the lockdowns that happened with the coronavirus outbreaks, we saw Perth and Peel lumped together as one region. The *Perth and Peel green growth plan for 3.5 million* develops one region for Perth and Peel. Without a definition of "region" contained in the act, how will SAT know that? This is a genuine question because it could be argued that people in Mandurah have access to a train line and all the comforts of a metropolitan address, but, technically speaking, they are outside the existing metropolitan boundary, and that will disappear. How will the Salaries and Allowances Tribunal be instructed on what is genuinely regional? I have a follow-up question on that line as well.

Mr J.R. QUIGLEY: That is a fact-finding mission for the Salaries and Allowances Tribunal. Clearly, there will not be the delineation of a metropolitan boundary by, I believe, the metropolitan town planning scheme in the act, because it will be taken away. It will be more the application of common sense by the Salaries and Allowances Tribunal. I do not want to upset the Leader of the House, who I know is sitting behind me—I do not want something happening to me—but is Mandurah regional or metropolitan?

Mr R.S. Love: At the moment it is considered regional.

Mr J.R. QUIGLEY: I know, but if we look at it factually —

Mr R.S. Love: I am asking you: how would that be determined?

Mr J.R. QUIGLEY: It would be determined by the Salaries and Allowances Tribunal. If we consider the member for Moore's seat, I think that my northernmost settlement in Butler is Two Rocks and the southernmost settlement in the member's electorate might be Gingin —

Mr R.S. Love: No. It would be Muchea.

Mr J.R. QUIGLEY: It is Muchea. That does not come down to Butler, does it? That is further east.

Mr R.S. Love: The closest settlement to the Attorney General's electorate would be the rural settlement of Woodridge or the town of Guilderton.

Mr J.R. QUIGLEY: Yes. That would be looked at factually. I have driven through Woodridge; I do not think anyone would sensibly call Woodridge part of the metropolitan area or anything but a regional area. That is the same with the settlements up the coast. It will be a fact-finding mission for the Salaries and Allowances Tribunal.

Mr R.S. LOVE: Further to that point and very much on the issue that we just discussed around Woodridge and Two Rocks, there is the removal of the definition of "region" from the act. I am specifically talking about the loss of the metropolitan town region, which might be in a later clause, but we are talking about that general prospect. The definitions of a metropolitan seat and a regional seat are pretty clear cut at the moment. We asked about Mandurah. The definition for Mandurah is that regional boundary, not so much the use of the land or the types of amenities that people in Mandurah enjoy, which are clearly fairly metropolitan. There is a regional boundary, so by definition Mandurah is regional. If we lose that regional boundary, that is an issue for Mandurah. It also becomes an issue for a seat such as Moore, which we just discussed. If at some point that seat were to take in some of the metropolitan area—say, Bullsbrook or Two Rocks, which the Attorney General mentioned—would it continue to be resourced as a regional seat or would it become some sort of hybrid metropolitan seat and the member would lose the entitlements that they would have enjoyed to enable them to travel extensively? How would that be determined?

This is the problem: the act does not affect only the Legislative Council boundaries, of course; it affects the setting of boundaries for the Legislative Assembly. I will point out that I have a motion on the notice paper that deals with that issue. There is a real issue with a lot of seats on the edge of the metropolitan area and how we will determine whether they are truly regional or metropolitan. I could make the argument that a seat like Darling Range, for instance, already has some characteristics of a rural seat mixed up with the metropolitan area. Who will determine the regional entitlement and which seat should have it when there is no longer a boundary?

Mr J.R. QUIGLEY: It will be the Salaries and Allowances Tribunal.

Mr R.S. LOVE: I have a final question on the loss of the definition of "region". The decision was made to excise from the act any reference to a region. Would it not have been feasible simply to have declared one region, being

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the state, and left the possibility in the future for this to be marched backwards if it does not work? A region could be declared and created via a fairly simple process so that there is, again, maybe a metropolitan region, an outer-metropolitan region or a number of regions. The government is simply declaring there is one region, rather than going to all the consequential amendments that will have to take place with the removal of the concept of a region and the possibility of there being two regions or more at some point in the future, regardless of the fact that it has decided to have one region for now.

Mr J.R. QUIGLEY: No, we have not decided to make one region. There will be no regions. There will be just the whole-of-state electorate. I have to be quite candid with the member. In choosing between the model of four regions, nine each, or a whole-of-state electorate—I have gone through one aspect of that—the member said that if we made some regions, it would be easier to reverse this in the future. No. I was complimented by the Leader of the Opposition yesterday when he said, “You and the drafters have put it together in such a way that it will not be easy to undo.” That is unless they go to the public and say, “We want to reintroduce the gerrymander, and we have the absolute majority in both chambers”, and see what happens to them then. Once the public gets a taste of one vote, one value, it is not going to give that up in a hurry. We are not going to leave in place a structure by which future governments of a different stripe will be able to reintroduce the gerrymander. It is just not going to happen.

I must say one other thing. I am looking at some older figures, but they hold true all the way through. If we look at the Hawke Labor government going back to the 1950s or 1960s, the Legislative Council rejected 20 of its bills. If we go to the Brand Liberal government, the Legislative Council rejected one of its bills. It then changed to the Tonkin Labor government, and the Legislative Council rejected 21 of its bills. We then come to the Court Liberal government, and none of its bills were rejected. The pattern has been that whenever a Labor government had come to power by winning a majority in the Legislative Assembly, it was able to implement only so much of the electoral program that it had taken to the people as the Legislative Council, dominated by the conservatives, gave it permission to introduce, not what the public had given it permission to do. The government would have to go cap in hand to the bosses and say, “Can we introduce this part of our program; we’ve got the vote to do it?”, whereas whenever a conservative government was elected in this chamber —

Mr D.J. Kelly: It was rubberstamped.

Mr J.R. QUIGLEY: Yes; it went straight through. The difference was chalk and cheese. This is ending. I know it is a cathartic experience for the conservatives to know that they will not be the headmaster or the bosses and be able to say to a Labor government, “Yes, you can introduce this part of your program that you got elected on but you can’t introduce that part.” It is not going to happen. What is going to happen now is that the people who get the majority of the votes will have the majority of the members in the Parliament. That is what we call democracy and that is what call equality.

Mr R.S. LOVE: I thank the Attorney General for that. I think that illustrates the motives behind the change very adequately.

Mr J.R. Quigley: Yes, democracy.

Mr R.S. LOVE: The inability to walk backwards from the changes the Attorney General is proposing to put in place is what I am referring to. That is fine. The Attorney General has put that on the record. He has the right to take that view. Thank you for putting that on the record.

I want to go back to the discussion about the resourcing of regional members as they exist at the moment, and the Attorney General’s claim that truly regional members, as the Attorney General put it, will all be resourced into the future. Is there not a risk that if we do not resource the members who reside in the metropolitan area in the same way as the government is proposing to resource the genuine regional members to enable them to travel and become familiar with the various parts of the state and the issues that they may face and the differences that may exist between the remote areas of the state, the south west, the farming areas and the metropolitan area et cetera, they may be ignorant of the conditions that exist throughout the state? Surely it would be better if all members were given adequate resources to enable them to participate in travel and get an understanding so that at the very least people would have the opportunity, even if they do not necessarily have the inclination, to get out there and try to learn a bit about the state that they are representing.

Mr J.R. QUIGLEY: I will address those matters in short order. Firstly, I was thanked by the member for putting on the record that one of the reasons that we have ended up with a whole-of-state model is that it will not be easy for a future conservative government to change this back to a situation of malapportionment. He acknowledged that is one of the motivations. It is in the same manner as Sir Charles Court changed the Constitution Acts Amendment Act so that people could not do things without a referendum—they could not walk back from what Sir Charles had done. There is nothing unusual in that. What we are trying to do is what Sir Charles in his own mind was trying to do—that is, preserve a system going forward that will ensure that governments that have only a mere majority and not an

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absolute majority cannot amend the act, or, in certain circumstances, cannot amend the act without a referendum. Sir Charles got in without a referendum and without an absolute majority, and did that, and, as he left the room, he locked the door behind him so that no-one else could enter the room and effect those sorts of amendments. We are doing the same sort of thing as Sir Charles did back in 1978, to make sure that we will have a stable electoral system.

The member asked should not all members have the resources to travel the state and familiarise themselves. Of course that is what we had with the imprest system. We previously had the imprest system, under which people would put in claims, but unfortunately some people used the imprest system to go on a sex tour to a “soapland” in Tokyo, and, once that was exposed, that changed the whole system. Therefore, instead of members getting their money up-front under the imprest system and just reporting to the Parliament what they are doing with it, they now have to put in a claim, with receipts. For 75 grand a term, members have ample capacity to visit other parts of the state and familiarise themselves with what they are seeing.

We care so much about the regions that we have done for the regional citizens what the former government never did. The Minister for Transport has announced that for people who live in the regions, as from next year there will be a two-tiered airfare. A person in the regions who lives within 1 000 kilometres of Perth will be able to get a ticket to and from Perth for the price of \$199 each way. A person in the regions who lives more than 1 000 kilometres from Perth will have a capped fare of \$299 each way. That will benefit people who need to travel to Perth for medical or other reasons. We are looking after the regions. That is why we have 10 members there. The people in the regions are not silly. They were faced with airfares of \$900. Even the airfare to Broome was a couple of grand in the peak season. We love the regions. We look after the people in the regions. The Minister for Transport has brought in this two-tiered cap. When we think about it, if people can travel to Perth for \$199, or travel from Broome to Perth for \$299, a member who is located in the regions will have all the capacity in the world to travel. For the rest of, picking our time to travel on our \$75 000 a term travel allowance will provide ample capacity.

Ms M.J. DAVIES: I have a further question. The Attorney General’s has stated that we have an imprest system that will allow members—some of whom, according to the Attorney General, are genuine regional members, and others are not so genuine—to travel. The Attorney General is proposing to introduce a whole-of-state electorate. The Attorney General is saying that members will have to use their imprest account to travel within their own electorate.

Mr J.R. Quigley: No, I did not say that.

Ms M.J. DAVIES: That will create a great challenge for the Salaries and Allowances Tribunal. I do not think I would be speaking out of turn when I say that there has been some dissatisfaction in this Parliament and in previous Parliaments with some of SAT’s determinations and its understanding of some of the challenges that we face, particularly from a regional perspective, but also in members acquitting their role and the allowances that are paid. No-one likes to hear politicians talk about their wages, allowances and all the rest of it. I think this will create greater confusion. From what I just heard the minister say, regional MPs will genuinely be provided with allowances and then metropolitan MPs may need to use their imprest or the system that is in place to be able to travel and familiarise themselves with areas of the state. Then I hear other members and ministers say that there will be 37 members under the new system who will all represent the entire state. Surely everyone will have access to those entitlements and funding to ensure that they are able to acquit their role appropriately. The statement made by the minister is very confusing.

Mr J.R. QUIGLEY: The Leader of the Opposition is confusing herself a little. I want to refer to the last conservative government under which the former Premier, Colin Barnett, said that the upper house needed to change. A news report stated —

The former Opposition Leader, Colin Barnett, has called for a revamp of the Upper House of the State Parliament.

I hope the member for Cottesloe is listening to this because Mr Barnett was his predecessor in the seat and predecessor Leader of the Liberal Party. I repeat —

The former Opposition Leader, Colin Barnett, has called for a revamp of the Upper House of the State Parliament.

The report continues —

He has labelled it a “poor relation” of the Lower House.

...

Mr Barnett says its members would be more effective if they worked from Parliament and has called for their electorate offices to be scrapped.

Labor does not want to do what Mr Barnett wanted. He wanted to scrap the offices. It continues —

Extract from *Hansard*

[ASSEMBLY — Wednesday, 13 October 2021]

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Mr David Templeman; Mr Vincent Catania; Ms Mia Davies; Ms Libby Mettam; Mr Shane Love; Mr John Quigley

“I don’t see a role for Upper House members in having scattered electorate offices scattered throughout the community —

Mr Barnett agrees with “Big Nick” —

because the community doesn’t really identify with them ...

Debate interrupted, pursuant to standing orders.

[Continued on page 4384.]