

**ELECTORAL DISTRIBUTION REPEAL BILL 2001**

*Second Reading*

Resumed from 11 December.

**HON ROBIN CHAPPLE** (Mining and Pastoral) [11.39 am]: I am concluding my previous remarks by identifying the issues raised by the current member for Pilbara, Mr Larry Graham, in his statement to Jack Gregor at a forum held in Port Hedland on 15 June 1995.

Hon N.D. Griffiths: He was the Labor member for the Pilbara at that time.

Hon ROBIN CHAPPLE: He was, and also an advocate of one vote, one value. He was talking about his position and stated -

... I pick up Halls Creek in the Kimberley and Wiluna down in the Murchison Eastern Goldfields, so my electorate goes, in one fell swoop, from being the size of Victoria to somewhere between Victoria and New South Wales. Under one vote one value it comes back to about a Victorian size.

They are the problems that I have to deal with as a member of parliament. Those problems can be solved by the allocation of resources and it comes as a great shock to people when they come down to Perth to Parliament House and see that I in fact have no resources in Parliament House, none whatsoever, apart from a telephone and desk. The rest I have bought myself, and I share an office with three other members of parliament, so there are four of us in a room. And in an electorate the size of Victoria I have one staff person who not only has to organise my travel and my arrangements, but do a large amount of the electoral work.

I concede that since that time members have got an extra 0.4 full-time equivalent staff. Mr Graham went on to say -

If I was a congressman in the United States of America in a state like Arizona, I would have a staff of about 18 for an electorate my size. It is not an ambit claim, Jack, and I'm not seeking to influence the debate, but I wouldn't want to see it -

"It" being electoral reform -

moved down the road of, "Gee, if the electorates get that big under one vote one value, the member can't operate." I'm firmly convinced that under any system the member can, provided, firstly, the member has an interest; secondly, they have an electorate like the Pilbara that keeps you on your damn toes; and thirdly, you have the resources to do it.

I needed to make those points because it has become clear that, even though they were the words of that member, given freely and not on behalf of the Labor Party but as his own views at that forum in Port Hedland, Mr Graham is taking a different position now. It goes back to that whole notion of consistency that I have tried to deal with during this debate.

It is important also at this time to offer some thanks to the Clerk of the Council. The Greens (WA) have had some concern about the application of section 13 of the Electoral Distribution Act 1947, as have members on the other side of this Chamber. It has been by the Clerk's due diligence and fortitude that he has sought to obtain a declaratory judgment in the Supreme Court on two questions. I commend the Clerk for having taken that action.

I reiterate the Greens' support for the provisions of the Electoral Distribution Repeal Bill. I support the Bill in its entirety.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the Opposition) [11.44 am]: This Bill is the second part of the Government's dodgy strategy to change the electoral laws in Western Australia. I congratulate my colleagues, particularly Hon George Cash and Hon Peter Foss, on their comments on this legislation. They made it clear what this Bill is all about. They made it clear that the process is fundamentally absurd and that the technicalities associated with the Government's strategy are such that they bring the Australian Labor Party into disrepute.

It is a pity that members of the Labor Party are not prepared to debate this Bill, just as they did not debate the previous Bill. The only government member we have heard from is the minister. We have not heard from country members or from city members in the Labor Party other than the minister. That is a shame because this legislation affects us all, and it is important that people know the views of their member. It is even worse, however, when the only way we can get Labor members to be in the House while the debate is taking place is to call repeated quorums. I wonder what the people who elected these Labor members would think if they knew the only way their members would participate in the debate was for the Opposition to call for a quorum to get

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them into the House to get them to listen. I also wonder what they would think if they were aware that the only person from the Labor Party in the Legislative Council who is debating electoral law reform is the minister. I wonder what the many people who elected those country Labor members to this Chamber would think if they knew that not only were their members voting to disfranchise country voters but also they were not prepared to argue the issue in the House. I find it unbelievable that Labor members would take this line of action. I would have thought that if this Bill were the Christmas present to Western Australia that we have been told it is, Labor members would all stand up and argue vigorously for the legislation so that they could send copies of their speech to their constituents telling them how they have stood up for their point of view. Yet that has not happened.

I challenged the minister last night when we had the third reading of the Electoral Amendment Bill to get the Government to take out a full page advertisement in the local newspaper telling the people of Western Australia that the Government had achieved its ambition and that Bill had been passed through the Parliament. As I tried to explain yesterday, many people in Western Australia do not know what is going on. One of the reasons they do not know what is going on is that the Labor Party is not promoting its cause publicly.

Hon N.D. Griffiths: Do you want us to use taxpayers' money to promote us, as you used to?

Hon N.F. MOORE: I would be very happy if the Government used taxpayers' money to tell the Western Australian community that it had succeeded in getting the first part of its trifecta through and that the third reading of the Electoral Amendment Bill had been passed by this House. I would be delighted if the Government would do that, because it is important for people to know what is going on. When we were in government, all our research told us that people wanted more information about what Governments do. That came through on virtually every issue that people were polled on. They said they would like to know more about the state budget, what the Government was doing by way of legislation and more and more about government programs. They expected that that would happen. It is interesting that this Government has decided that to save money it will not tell anybody anything. This Government is cutting back on advertising, glossy brochures, annual reports and on all these sorts of information provision strategies to save money. However, the bottom line is that people will argue further that they do not know enough about what is going on. Therefore, even if the minister does nothing else, I would be delighted, and I would support him publicly, as I am doing now, if he took out a full-page advertisement in *The West Australian* - if he felt the need to do so, he could take out another one in the *Sunday Times* - to tell everybody in Western Australia that the Government has achieved its ambition of having one vote, one value legislation partly passed by the Parliament. I do not mind if the minister defers this advertisement until the second part of the quinella goes through, if he wants to wait until then, when the Government has achieved its ambition. However, it is important for the Government to tell the people what it has done and what it means to them. Once that happens, people will not forget, and they certainly will not forgive, in respect of those matters. Having listened to some of the comments of the minister yesterday, the advertisement could say something like, "The Government wishes to tell you how lucky you are in country Western Australia because the Government has succeeded in taking away eight of your members of Parliament. How lucky can you get?" Some people might think it is a good thing to lose eight members of Parliament. If that is the case, the Government should also recognise that it is giving other people eight more members. I wonder how lucky they think they are to be getting eight more members of Parliament. I wonder how many members of Parliament in this House have been asked by their constituents whether they could have more members of Parliament, and how many city members have been approached on the basis that more city members are needed in the Legislative Assembly. We certainly could use more in the country, but that is now not the issue; we are getting more in the city.

A number of issues have been raised in this debate. It is legitimate to comment on the electoral change generally, because the two Bills go hand in glove, although the Government would have us believe otherwise. It is a two-pronged approach - a quinella, if one likes, which would assist the Minister for Racing and Gaming in his understanding of my argument. It is about two pieces of legislation designed to result in a particular outcome, although the two pieces of legislation are independent and separate, and each could stand in its own right without the other. The situation at the moment is strange, and I will be interested in what the Parliament eventually delivers.

I was interested to read the comments of the minority members of the Standing Committee on Legislation when they dealt with the contrived scheme of arrangement to which this and the other Bill add up. Before I deal with that, I again emphasise the fact that while this committee report is very good - I commend the members for delivering such a good report in such a short time - it is one that the committee unanimously stated is not to be seen as a complete or adequate investigation of the issues raised by the Bills - both of them. That is the view of the committee - not the view of the Liberal Party members, the National Party members or One Nation members. The view of all the members of the committee is that it is not an adequate report in the context of the issues

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raised by both Bills. Again, I point out to the Government that it cannot bludgeon its way through with issues of this magnitude and expect to maintain some credibility, when a parliamentary committee has said that its report is inadequate.

I refer to page 117 of the report. This deals with part of the arguments that manner and form have not been complied with, and represents the views of Hon Peter Foss, Hon George Cash and Hon Paddy Embry. I will refer in some detail to what this contrived scheme of arrangement is all about. On page 117 is a detailed analysis of this contrived scheme. Paragraph 8.71 states -

In an effort to achieve electoral change the Government has contrived a scheme of arrangement, by introducing two Bills into the Legislative Council, in an attempt to avoid the absolute majority provisions of the *Electoral Distribution Act 1947*.

That is self-evident. When this Government was elected, the issue of one vote, one value became prominent, certainly in the minds of members of Parliament - not so much in the general community. In February this year people said that the Government would not be able to bring in one vote, one value because it did not have an absolute majority. Even with the support of the Greens (WA), it would have only 17 votes. Therefore, the issue of an absolute majority became a public issue, and we had a debate about your voting powers, Mr President. Interestingly, members of the Labor Party raised that issue in the media as a way in which this matter could be resolved. I find it extraordinary, as we said at the time, that Dr Gallop could go from being an absolute and bitter opponent of that prospect when it was raised about four years ago to an avid supporter of it now. Talk about hypocrisy and changing one's mind completely. That is a classic example of that.

It was clear early in the piece that the Labor Party thought it needed an absolute majority to get this legislation through. It even contemplated giving the President of this House a deliberative vote. I do not know whether that strategy or idea is off the agenda of the Labor Party, but I would be fascinated to find out whether that is or is not the case. If the Supreme Court agrees with the Opposition's view of this Bill, the Labor Party may have to use plan B, which is to give the President a deliberative vote. Therefore, it would be fascinating to find out the status of that plan B.

A situation was developing. Soon after the 10 February election, the Labor Party wanted one vote, one value legislation to be passed. It believed it could not get it through without an absolute majority. It talked about giving the President a vote. It put that to one side - hopefully, it has put it to bed forever - and came up with this contrived scheme of having two Bills to try to circumvent the requirements of section 13 of the Electoral Distribution Act.

The report goes on to say -

- 8.72 The contrived scheme of arrangements is designed to avoid and defeat the entrenchment provisions in the *Electoral Distribution Act 1947* which originated in the *Redistribution of Seats Act 1904*, which was the first redistribution legislated by means other than through the Constitution Acts.
- 8.73 The Electoral Amendment Bill 2001 transfers the substance of the provisions of the *Electoral Distribution Act 1974* to the *Electoral Act 1907*, which does not have the manner and form requirements of the *Electoral Distribution Act 1947*.
- 8.74 It is intended that the Electoral Amendment Bill 2001 will come into operation on a day fixed by proclamation.
- 8.75 The Electoral Distribution Repeal Bill 2001, repeals the *Electoral Distribution Act 1947* and will come into effect on the day on which it receives the Royal Assent.
- 8.76 The contrived scheme of arrangement is an attempt to break the manner and form nexus which attaches to laws affecting the constitution, powers and procedures of the Parliament.
- 8.77 The contrived scheme of arrangement envisages a first step of repealing the *Electoral Distribution Act 1947* by the Electoral Distribution Repeal Bill 2001. Once the *Electoral Distribution Act 1947* is repealed, the Electoral Amendment Bill 2001 can be proclaimed and hence the substance of the provisions of the *Electoral Distribution Act 1947* will, by this effective substitution, be then part of the *Electoral Act 1907*.
- 8.78 It is important to note that all the provisions of the Electoral Amendment Bill 2001 not currently present in the *Electoral Distribution Act 1947* could have been incorporated into the *Electoral Distribution Act 1947* by an amendment but this course of action would have required compliance with the manner and form provisions.

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- 8.79 In essence, the *Electoral Distribution Act 1947* is being amended by substituting its provisions and transferring those provisions to the *Electoral Act 1907*.
- 8.80 The Liberal Party proposes that an amendment be introduced to amalgamate both the Electoral Amendment Bill 2001 and the Electoral Distribution Repeal Bill 2001.
- 8.81 Professor Greg Craven is of the opinion that s13 of the *Electoral Distribution Act 1947* is a valid provision of manner and form within the meaning of s6 of the *Australia Act 1986* (that is it relates to matters relating to the powers, procedure and constitution of the Western Australian Parliament), and that it accordingly requires the attainment of an absolute majority in both Houses of the Parliament for any measure that might come within its ambit. Professor Craven states that he reaches this view on the basis that the provisions of ss 2A, 3, 6 and 9 of the *Electoral Distribution Act 1947*, in erecting a complex system of electoral regions and districts based upon distinctions drawn between metropolitan and non metropolitan areas, and upon social-geographical distinctions drawn between regions themselves, make a fundamental contribution to the basic character of the Western Australian Parliament as a legislative entity.
- 8.82 Presumably, for the same reasons, s13 of the *Electoral Distribution Act 1947* would also be valid for the purposes of s5 of the *Colonial Laws Validity Act 1865*.

The Liberal Party has argued that this contrived scheme of arrangement aimed at avoiding and defeating various entrenchment provisions will render the Bills void if they are passed by less than an absolute majority. The first Bill was passed without an absolute majority in this House, although I find it interesting that when that Bill was passed in the other House, the Government ensured it had an absolute majority. The Liberal members argue that this matter should be referred to the Supreme Court; and I share the view of Hon Robin Chapple when he congratulated the Clerk on taking that course of action. As I have said, the Clerk has made - I will not say a courageous decision, because that is the sort of decision we take when we are going to have our head chopped off in politics - the proper decision to ensure that the legislation is valid before he presents it for assent.

The three Liberal members on the Legislation Committee make the following observation at page 120 of the report -

- 8.91 It would be manifestly absurd to suggest that an Act that requires the second and third readings to pass with an absolute majority of the whole numbers of both Houses of Parliament can itself be repealed by a Bill passed by only a simple majority of the whole numbers of either House.

That is the crux of the argument that will be considered by the Supreme Court. The absurdity of the situation that is demonstrated by that observation says a lot about this Government. This Government is prepared to do whatever is required to have its way in respect of electoral change and to ensure that it can take eight members out of the country and put them into the city. The question that needs to be asked is: why does it want to do that? That question should be answered honestly by the Government, because over time the Labor Party has varied its position on this matter. There was a time when some of its great statesmen argued that vote weighting was a good thing. I will spare the minister from having to hear the views of Hon A.R.G. Hawke again, because he has heard them on a number of occasions. I think the Leader of the House has also heard them on a number of occasions, and he may now be able to remember what was said by Mr Hawke - a great Labor leader. I remember Mr Hawke well, because as a young schoolboy in Northam he saw me struggling with my school bags up Gordon Street, which is the steepest hill in Northam, and stopped to give me a lift.

Hon Tom Stephens: And that did not change the political direction that you took?

Hon N.F. MOORE: I did not know anything about the Labor Party in those days.

Hon Tom Stephens: He should have run over you!

Hon N.F. MOORE: Mr Hawke was a very genuine and well-loved person in Northam. Even members of the Liberal Party have voted for Mr Hawke, because he was that sort of a person. Mr Hawke was a Labor leader of substance and principle, and certainly a Labor leader who was well loved by his constituents and I think was generally well regarded in Western Australia, although for a lot of his time in office not much happened. When Mr Hawke says that the Labor Party should not go down the path of one vote, one value, we should take notice. The same applies to other Labor leaders who have said similar things. I am sure the Leader of the House could probably quote verbatim what Mr Wise, another Labor leader, has said about one vote, one value. The Labor Party has had varying views over time.

I raise this issue because over the past few weeks and today, we have not been dealing with a matter about which the Labor Party has a fundamental principle that has been in its platform since time immemorial. We have not

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been dealing with this matter in that context. If the Labor Party had always argued for one vote, one value and had never deviated from that, I would have to say that is its policy and principle and it is sticking with it. However, that is not the case. One vote, one value has not been the Labor Party's position forever in the past, and it will not be its position forever in the future. Its position will change, because for everyone in politics, circumstances change, and every political party seeks to maximise its capacity to be in government. That is a legitimate part of the political process, and that is what is happening now. The Labor Party has not brought in this legislation because that is its principle. The Labor Party has brought in this legislation to maximise its political opportunities. It is as simple and as basic as that. It would be refreshing if the Labor Party would admit that and tell the people of Western Australia and the media that it has had varying views on vote weighting over the years, and its position now in 2001 is that it wants one vote, one value because that will maximise its political prospects and chances of winning the next election. It has done the numbers and has seen where the boundaries go, and it has worked out that if it can get 42 seats in the city, its prospects of winning the next election will be improved. If the Labor Party had that refreshing honesty, it might even win a few friends in the community. However, the Labor Party would have a bit of a problem in arguing that what it is doing now is based on any principle at all, because it has put in the notion of dummy voters. One of the great ironies of this debate is that the only thing I support in this legislation is the bit about dummy voters, because that is the bit that looks after my constituents, marginally.

Hon N.D. Griffiths: The dummies.

Hon N.F. MOORE: My constituents are not dummies. The minister may think they are, but I do not.

Hon N.D. Griffiths: Those who are backing you probably are.

Hon Simon O'Brien: That is a juvenile interjection from the minister.

Hon N.F. MOORE: Yes; frightening.

The fact that the legislation contains this provision demonstrates that the Labor Party is quite capable, even on this occasion, of jettisoning the principle of one vote, one value. Why is it doing that? For two reasons: first, because the Greens (WA) have said that is what they want - and what the Greens want the Greens get; and, second - this is one of the great ironies - it probably improves the prospects of the Labor Party winning an extra seat. When we look at the outcome of that little deal, that arrangement, it still creates a very unacceptable number and size of electorates in the Mining and Pastoral Region. That is my part of the world and I know it well; I know roughly where the boundaries will have to go in order to satisfy this legislation. Even with the dummy voters, the situation is intolerable.

Hon Christine Sharp said last night that she thought we should make the Kimberley into one region for the Legislative Council; she thought that was an homogeneous region. She ought to ask the people in Broome what they think about what goes on in Kununurra and vice versa. The east and west Kimberley are at each other's throats in the same way as Sydney and Melbourne are. There is no love lost between east Kimberley and west Kimberley; they are a long way apart. They are not far if one is flying around in a Citation 5, but if one is driving a car like most people do from Broome to Kununurra, it is a long, long way and there is a lot of country in between. That will be one electorate and it will have Halls Creek included in it, which it does not at the moment.

We will then have a seat based on the Pilbara, which will probably be Burrup and the Pilbara combined. Again, that is an extraordinarily large and very diverse part of the State, because it will also include a lot of inland communities, as well as the major ports on the coast. Kalgoorlie and Eyre will be combined into, again, an extraordinarily large electorate, with a very large urban centre in the middle but scattered population groups over a large part of the State. We will then get this other seat, which will be what is left over, notionally called Gascoyne; it will be an almost totally unmanageable electorate for anybody to represent. That seat will go from Exmouth on the one side to probably the Shire of Menzies on the other, right up into the southern Pilbara and the Kimberley. I will not say stretching from the Indian Ocean through to the Pacific Ocean, because that would be an exaggeration, but almost that far - certainly to the South Australian-Western Australian and the Northern Territory-Western Australian borders. Even though the Labor Party has jettisoned its principle for complete support of one vote, one value, by bringing in this notion of dummy voters it is still creating electorates in the Mining and Pastoral Region that in my view are totally unacceptable.

I was asking the question rhetorically: why is the Labor Party doing this? It is doing this because it needs to do it to improve its electoral prospects at the next election. I have talked about the Merredin by-election ad nauseam; I will not go through that again, other than to remind the Labor Party that getting less than nine per cent of the

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primary vote is pretty poor, pretty average. In fact, Labor's vote in the town of Merredin went down to about 15 per cent, and that is appalling. Hon Kim Chance would know that very well.

[Quorum formed.]

Hon Ljiljanna Ravlich: Are you missing me?

Hon N.F. MOORE: I am, but what I am missing most of all is not the member's presence but her speeches. Even though they used to drive me to total distraction when I was sitting over there, I am anxious for the member to tell us why she supports this legislation. I am also anxious for Hon Jon Ford to tell us why he supports it. I am really anxious for those country members of the Labor Party to tell us why they support this legislation. However, I suspect we will remain anxious and not have that anxiety removed.

I was referring to Merredin. I now have the figures. The Labor Party's vote was 27 per cent in the town of Merredin in February and it was 17 per cent in November. If that is not giving the Labor Party a message, I do not know what is. The members of the Labor Party have in their minds that the people of country Western Australia do not have a lot of respect for them at this point in time. Last night I briefly mentioned that when we transpose the federal election results to state electorates we get an even louder message for the Labor Party, which it has obviously taken on board and understands. That is another reason for shifting eight seats from the country to the city, where it believes its prospects will be improved.

I will refer to the two-party preferred vote at the federal election but transpose those federal election results to the state scene. I know this is not an exact science, but it gives a rough indication of the way people are thinking on a two-party preferred basis. As at 10 November, if we look at the state seat of Albany, the Liberal Party got a two-party preferred vote of 61.2 per cent. I think we won every booth in Albany. So there has been a bit of a turnaround in Albany; the Labor Party would have lost Albany. In Geraldton we got only 60.9 per cent of the two-party preferred vote. The Labor Party would have resoundingly lost that seat. In Swan Hills the Liberal vote was 55.4 per cent; in Riverton it was 53.4 per cent; in Burrup it was 53.3 per cent. Burrup! We got done like an absolute dinner in the state election in February. At the federal election 53.3 per cent of the voters in Burrup voted for the Liberal Party on a two-party preferred basis. The message about one vote, one value is starting to sink through to those people who live in that electorate. Maybe there is a slight reflection of that in these figures, although I am the first to acknowledge that we cannot always work on the basis that state issues affect federal results or vice versa. The members in the North Metropolitan Region will be glad to hear that in Joondalup the Liberal Party got 52.9 per cent of the two-party preferred vote. In Bunbury the Liberal Party got 51.8 per cent of the two-party preferred vote. In Collie, that town which we are told is a Labor town, 51.4 per cent of the two-party preferred vote would have gone to the Liberal Party based upon the federal election results.

Hon Barry House: I think the Collie people saw through this mob.

Hon N.F. MOORE: They have.

Hon Ken Travers: Is that the seat of Collie?

Hon N.F. MOORE: Yes, the seat of Collie. I do not have the box figures for each seat, but the bottom line is that the Labor Party would have come second. That will change. The Labor Party has worked out that it has to get rid of these seats in the bush because the people there will not vote for it. Interestingly, in Innaloo 50.5 per cent of the two-party preferred vote went to the Liberal Party. I do not know what the member for Innaloo thinks about that; maybe he has to lift his game a bit. Surprise, surprise, in the seat of Eyre, which used to be the Labor Party's safest seat, 50.4 per cent of the two-party preferred vote went to the Liberal Party. Of the eight seats that the Labor Party holds in non-metropolitan Western Australia, it would have lost six.

Hon N.D. Griffiths: What were the seats you read out?

Hon N.F. MOORE: Albany, Geraldton, Swan Hills, Riverton, Burrup, Joondalup, Bunbury, Collie, Innaloo and Eyre. The country seats are Albany, Geraldton, Burrup, Bunbury, Collie and Eyre. The other two seats held by the Labor Party are Mandurah and Kimberley. The Labor Party would have retained those two seats on the basis of the federal election results. I assume that the electorate of Pilbara would be held by Larry Graham because of his significant support base.

Hon Simon O'Brien: Even in Mandurah the Labor vote was artificially inflated because of the presence of the potential Prime Minister.

Hon N.F. MOORE: I am sure the member is correct. That seat could also be put on the list, but, to be fair, we will not add it.

Several members interjected.

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Hon N.F. MOORE: While these country electors, including those in Burrup and Eyre, are voting for the Liberal Party at the federal level, and bearing in mind that the state Liberal Party attracted 30 per cent of the votes in those seats in February, the Labor Party will obviously want to have fewer country seats. It stands to lose those seats, so it has decided to move eight of them to the metropolitan area.

Hon Ken Travers interjected.

Hon N.F. MOORE: The parliamentary secretary should not talk. The minister will get angry. It does not matter whether he is a putative powerbroker, he is not allowed to talk.

If one were to transpose the 10 November federal election results onto the state seats, the Labor Party would have lost 10 seats and the Liberal Party would have won 10; that is, the result would have been Labor 22 seats and Liberal 26. On those figures, we would be in government and the Labor Party would be in opposition, by a large margin.

The Labor Party looked at the result in the Merredin state by-election and its lack of country support in the federal election and decided that its best bet - instead of trying to win the hearts, minds and votes of those electors - would be to move seats to the city. It hoped that when the boundaries were drawn, they would advantage the Labor Party. This is about blatant political advantage; nothing more or less.

If this legislation is passed, voters in the few seats left in the country will send a very strong message to the Labor Party at the next state election - the same message they sent to the federal Labor Party on 10 November. I have no doubt about that. Some city people might also decide that they do not need the extra seats and that the Government has done over country Western Australia. There is a significant element of sympathy and empathy for country people within metropolitan Western Australia.

Hon G.T. Giffard: If only Hon Paddy Embry were here now! He said yesterday that city people hate country people.

Hon N.F. MOORE: He did not say that.

Hon Kim Chance: Yes, he did.

Hon N.F. MOORE: He did not mean it that way. I understood him to say that the Labor Party hates country Western Australia.

Several members interjected.

Hon N.F. MOORE: Both! I think he has it half right. The Labor Party has demonstrated its hatred for country Western Australia by introducing this legislation. City people, particularly those who know what country Western Australia is all about, do not hate country people; they have enormous empathy for country Western Australians. Many city people have never travelled past Midland Junction, Joondalup or Rockingham. They probably do not have any sympathy or empathy for country Western Australia, because they do not understand it. I suspect that some Labor members of Parliament are in that category. I am constantly reminding Hon Nick Griffiths that Kalgoorlie is over the hill.

Hon N.D. Griffiths: You are an authority on being over the hill!

Several members interjected.

Hon N.F. MOORE: Members must understand that this legislation will have a detrimental effect on country Western Australia. That view is held by country and city people alike.

A couple of comments that have been made in recent days about this legislation require a response. The word "gerrymander" has been used by members in reference to the current electoral system. It has not delivered a gerrymander. A gerrymander involves drawing boundaries in a particular way to advantage one political party. It is all about where the lines are drawn, not one vote, one value. Gerrymanders presumably no longer exist in Western Australia, because the lines are drawn by independent electoral commissioners. It could have been argued with some justification back in the days when the Government drew the boundaries for the northern electorates that there was a gerrymander. One could argue that the line drawn on the map between the Kimberley and Pilbara electorates in 1982 probably created a gerrymander. Half of the Pilbara was put into the Kimberley. That would happen again if we were to implement the Labor Party's one vote, one value model and include dummy voters. The Kimberley and the Pilbara would be in one electorate. That is a similar scenario to that which was said to be a gerrymander in 1982. Hon Bill Withers, a former member of this House, was in the Chamber yesterday. He resigned from the Liberal Party because he said it was supporting the Labor Party's one vote, one value principle by moving voters to the Kimberley electorate from the Pilbara electorate.

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The notion that we have a gerrymander is an insult to the electoral commissioners. It is not a gerrymander. We have an electoral system that recognises the disadvantage of country people. As I have argued consistently and will always argue, it also provides that the party with the majority of votes wins the majority of seats and forms Government. That has been the case in all elections in recent history, with the exception of 1989. That anomaly happened because of the crazy system included in the 1987 Act, which provided for assessments of future boundaries to be made four years in advance. That was nonsense.

One of the amusing ironies of recent times is that when the last redistribution was done, and the electoral commissioners talked about moving a northern seat to the south west because of the population projections, the Labor Party argued against it. It said we should retain all the seats in the north because there would be dramatic growth in that area. As it transpired, the electoral commissioners agreed, but that growth did not happen. I found it amazing that the Labor Party, which has a fundamental belief in one vote, one value, could argue that we should keep seats in the north - even though those seats had fewer voters than electorates in other areas of the State. The word "hypocrisy" has been bandied around often in this Parliament. On this issue, the Labor Party is a past master.

Hon Christine Sharp said she was concerned that members were arguing and getting passionate and aggressive. That is a reflection of the way members feel about this issue. This is not simply an argument between political parties about who will form Government. That is clearly part of what we are about and what we do for a living. Members on this side are angry because of what this means for people on the ground. We are angry because of what it means for country Western Australia, not because the Liberal Party or the National Party may be done over or the Labor Party may be advantaged. It is part of the political process that one fights, not on a passionate, angry basis, but because it is a political debate.

Hon Dee Margetts: Hon Christine Sharp did not comment on anger so much. She was commenting on the language and sexual references used in the debate.

Hon N.F. MOORE: I thought it was interesting last night that some people took exception to some of the words being used, as though the words themselves were somehow offensive, when we shall soon be debating legislation that will not make it compulsory, but will allow people to engage in certain activities that have that name attached to them. The member may be bothered by the word but the action does not seem to bother her at all. I have an element of difficulty in coming to grips with that. If the member does not like it, that is fine, and I wear it. I do not seek to make those sorts of innuendos, and most people do not unless they are angry. Sometimes people say things in anger that they might not otherwise say, but they are seeking to make a point to get people to understand how passionate and angry they feel about an issue.

There is a lot of anger on this side of the House and in regional Western Australia, particularly among those people who understand what the political system and process are all about - a lot of anger indeed. I have been in this place when there has been some serious anger. I was here when members of the Labor Party voted against the industrial relations legislation that the coalition Government introduced. I saw this Chamber taken over by unionists and other thugs.

Hon Kate Doust interjected.

Hon N.F. MOORE: They should have been put in jail, in my humble judgment.

Hon Dee Margetts: All of them?

Hon N.F. MOORE: Not all of them, no, but certainly their leaders should have been. This Chamber was a seething mass of humanity and noise, to the extent that nobody could do any business here. The Parliament was closed down by an unruly group of people. That is serious anger. I can understand that some people were angry about our legislation. Members of the Labor Party told us in no uncertain terms that they were angry about the legislation and they would do all they could to stop it. I make the point that some issues raise people's temperatures. One issue that will raise temperatures, particularly if it happens on 22 January, is the Bill that the Leader of the House wants to have passed then. I can assure him that that climatic set of circumstances will not lead to a mature debate.

[Quorum formed.]

Hon N.F. MOORE: What a pity it is that Labor Party members are part of this debate only when the bells have been rung and a quorum has been formed. That is outrageous. We are told that this legislation is fundamental to the Labor Party's platform; it is what its members are here for; it is what they were put on Earth to do. However, they cannot even sit in the House and listen to the debate.

Hon Ken Travers: If we were as childish as you, we would have had quorums all the time when we were in opposition.

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Hon N.F. MOORE: When the Government tells us it has legislation that must be passed by a certain time and ignores the fact that the committee investigating the legislation was not allowed enough time to do it, we will get government members to sit in here and promote their argument.

Hon Ken Travers: I accept it will happen. I just pointed out that had we been as childish as you, we would have forced quorums.

Hon N.F. MOORE: It is not a question of being childish; however, if the Government wants the Bill to be debated, government members should be in this Chamber to hear it.

Hon Ken Travers: I am here.

Hon N.F. MOORE: They should be here to be part of it.

Hon Ljiljanna Ravlich: He is part of it.

The DEPUTY PRESIDENT: Order!

Hon N.D. Griffiths: He is doing a wonderful job.

Hon N.F. MOORE: He is doing a wonderful job! It is the best speech he has made on any Bill!

Hon Ljiljanna Ravlich: Sarcasm will get you nowhere.

Hon N.F. MOORE: I know. I have learnt that over the years. It does not even read in *Hansard* as sarcasm unless members put a few exclamation marks next to their remarks. One learns that very quickly.

This Bill is part of a contrived arrangement between the Government and the Greens (WA). People talked about a deal. We were then informed by the Greens that there was no such thing as a deal and that it is, in fact, an arrangement. That is fine. It is merely a question of semantics. I always think of a deal as two people reaching an agreement that if one does something, the other will do something else. That is the arrangement in place and that is the deal. I guess that over time the notion of the word "deal" has become a bit grubby. If the Greens are trying to avoid the use of the word "deal" because it has grubby connotations, I can understand that. I will refer to it as an arrangement between the Labor Party and the Greens. There is clearly an arrangement.

I think - I do not know and I am speculating - that the arrangement extends well beyond this arrangement and well beyond the two electoral Bills. I think it ties in with a number of other things that the Greens would like. I have always worked on the basis that, in exchange for the Greens' support of the two Bills, the Labor Party agreed to increase the number of seats in the Legislative Council from 34 to 36, and to introduce a clause to allow bigger electorates in the sparsely populated parts of the State to have so-called dummy voters. That is what I understood the arrangement to be. Members can imagine how surprised I was last night - I suspect some other members were surprised also - when Hon Chrissy Sharp told us that the arrangement was more than that. I have with me the uncorrected proof of *Hansard* which I will not quote. I will paraphrase what Hon Chrissy Sharp said last night, and if I have it wrong, she will correct me. She reminded the Government and the minister that this arrangement or deal - if it made members opposite happy to hear that - was incomplete. In other words, the arrangement is incomplete at this point in time. She explained that two further demands must be met by the Government to complete the deal. The first is that the Assembly will agree to an additional two members for the Legislative Council, bearing in mind that only the Assembly can do that because it involves an appropriation of \$1 million a year from taxpayers funds. The first part of the arrangement is that the Assembly will amend the electoral legislation to provide an extra two members in the Legislative Council. We shall see about that. I suppose that is happening in the Assembly now, although I do not know. That legislation will then be sent to this House for us to consider and debate, as we should. That is the first part of the contract that is yet to be fulfilled. The member went on to tell us that there was a second part. The second part referred to improvements to the resources available to members, such as free telephones and additional electorate offices. I do not know whether that means officers or offices or both. It also referred to additional staff; free teleconferences; electronic networking centres, where necessary; improved access to parliamentary representatives - I do not know how that will happen; and methods of facilitating greater participation in the democratic process. All these things comprise the second part of this quinnella. I do not believe I have heard the Government say what it will do about these improvements. The committee report referred to improving the services available to members of Parliament. I note that it was a small part of the report and I suspect it was agreed unanimously.

The Liberal Party has argued for years about the inadequacy of the support provided to members of Parliament, given the task that we must all undertake. That task will be even greater under a one vote, one value system. Some country electorates will be immense. The capacity of Assembly members to represent electors in the way in which they must represent them will require vastly improved services for those members. This system still

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will not satisfy the needs of constituents who want to see and talk to their members. However, they will be able at least to send a message to their members, if that is what Hon Christine Sharp believes is important.

I wonder what the Government will do about the second part of this arrangement and how it will do it. Because I have a reasonably good memory, which goes back longer than the memories of most members in this place, I recall that in 1983 one party in Parliament did not have enough members in the Assembly to qualify as a recognised political party. There is legislation - the name of which I cannot recall at the moment - that states the number of members that a political party must have to be so recognised. I believe that in those days it was seven members in the Legislative Assembly. At that time that political party, which shall remain nameless, had five members in the Legislative Assembly and, I think, three in the Legislative Council. The three members of that party in the Legislative Council were very important because they held the balance of power. The party was not just a group like One Nation, which is a minority party in this Parliament and has no influence over the ultimate results in the Parliament; it was a party that held the balance of power. However, it did not have enough members in the Assembly to qualify as a recognised party. Therefore, Mr Burke, who was the Premier - again, I am relying on memory - being a pragmatic soul said, "We are going to need you guys to get some of our legislation through the upper House. Is there any way in which we can help?" I am imagining how the conversation transpired.

Hon Kim Chance: Speculating would be more accurate.

Hon N.F. MOORE: I am speculating. I will not speculate about how he got to the end result, which was that legislation came into the Parliament to reduce the number of members in the Assembly for recognition as a political party. The party that will remain nameless then became a recognised political party in 1983 or thereabouts and got the additional resources that are available to political parties.

Hon Ljiljanna Ravlich: You don't have a lot of time for your coalition colleagues.

Hon N.F. MOORE: No, I am one member who does have a lot of time for my coalition colleagues. The matter I am talking about was BC - before Criddle; that is how long ago it was. He was not a party to that electoral legislation. The end result, apart from the National Party getting the resources of a political party, was that the National Party also supported a change to the electoral system; that is, the system we have now. Last night, Hon Nick Griffiths had the audacity to suggest that the electoral system we now have is as a result of the Liberal Party or a Liberal Government. It is not. Everybody knows that the electoral system in place now is as a result of a deal between the Labor Party and the National Party.

Hon N.D. Griffiths: It is an arrangement because of you.

Hon N.F. MOORE: It is an arrangement, whichever. If members read the second and third reading debates on the electoral Bill in *Hansard* in 1987 they will see that the Liberal Party opposed it and the National Party and the Labor Party supported it. That is why we have the current electoral system in Western Australia and that is its history.

Hon N.D. Griffiths: You got the best arrangement you could in the circumstances.

Hon N.F. MOORE: That is exactly right, but the minister should not blame the Liberal Party for any shortcomings in the current system.

Hon N.D. Griffiths: Why do you want vote weighting and a lack of democracy?

Hon N.F. MOORE: With all due respect, the electoral system in place now was opposed by the Liberal Party in both Houses in 1987.

Hon Kim Chance: So you would have supported one vote, one value then, would you?

Hon N.F. MOORE: No, I supported the system that was in place in 1987, particularly in the Legislative Council. I believed in the provincial system, and I still do. I believe that members must get out into the community and get themselves elected as individuals. The notion of tickets is rubbish. I bet that members could not find one in 10 people in their electorates who know their five members in the Legislative Council. It is the same in my electorate and in the Metropolitan Region. In fact, one in 10 is probably an exaggeration.

Hon Kim Chance: Often they do not know who their lower House member is either.

Hon N.F. MOORE: Yes, but they have less chance of knowing their upper House member. I recall when members had to go into the community and get themselves elected individually. People knew who we were. They saw our names on the ballot paper, not "Liberal", "Labor" or "Fill in the box above the line". That is the system I supported at that time. The system we now have is not the Liberal Party's system; it is the result of the Labor Party and National Party getting together to give us this system, whether it is good, bad or indifferent.

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Today I say that we should retain the system that we have, which ironically is the Government's electoral system established in 1987. That is one of the great ironies of this debate.

Hon Kim Chance: I am sure that had we had your support for one vote, one value, we would have included it in the legislation.

Hon N.F. MOORE: The fact is we do not support one vote, one value. We did not then and we do not now.

Hon Kim Chance: That is the reason that the Bill was in that shape.

Hon N.F. MOORE: That is all right, but the Government should not blame us for what it does not like about the system. We did not have the numbers, Mr Leader of the House; we were the minority party.

Hon Kim Chance: You would have had the numbers with us though.

Hon N.F. MOORE: Of course, but the Labor Party was not doing deals with us.

Hon Kim Chance: So, we could have brought in one vote, one value back then.

Hon N.F. MOORE: Why would the Government have done that? We do not support that.

While the Leader of the House is interjecting, that brings me to the inane suggestion by the minister last night that the Liberal Party is somehow divided on this issue. I have never known of an issue in our party room that has had such unanimous support as has the notion of a weighted system. As I said at the beginning of this speech, over time political parties change their minds. The Labor Party is no different from any other party. The Liberal Party flirted for a moment or two with the idea of having some form of reduced weighting, such as a 20 per cent or 25 per cent variation on either side, because some city members thought we should do that. The Government was re-elected in 1996 and we made a decision then that we would not change the electoral system.

Hon Kim Chance: You were elected on that platform.

Hon N.F. MOORE: We were not elected on that basis. Not one soul came to us and asked us to change the electoral system. However, many people came to us and asked us not to change it. Every second country authority was on the phone, writing letters and sending telegrams, telexes, faxes and goodness knows what. By saying "telegrams", one can tell my age! All those kinds of communications were sent to the Minister for Electoral Affairs asking him not to change the electoral system, and telling him that they did not want one vote, one value or a diminution of country representation. The second Court Government therefore decided not to change the electoral system, and that deliberate decision was based on the information we had received and the attitude of the people who put those views to us.

Last night the minister suggested that 16 people in the Liberal party room opposed and 15 favoured one vote, one value. The last time I was in school, 16 plus 15 added up to 31. I wish we had 31 members, but we do not; we have 28. That is the first point on which the minister is wrong. The second is that this is a fabrication; it is not correct. The minister was talking about our party room, as if he would know what goes on in our party room.

On that issue, I will come back to the point I was making earlier about the National Party being a party in its own right. I emphasise that the reason we are irritated by what has happened to the support provided to the Opposition by this Government is that it has changed the rules. When the Labor Party was the Opposition it was given a certain number of dollars to operate. Since we have become the Opposition, the Liberal Party and the National Party have had to split the money - even though the National Party is not the official Opposition. I am beginning to wonder, when I look at what the Greens believe is the second part of the arrangement, what that will mean in practice. Does it mean that we will go down the same path as the Burke Government in the 1983? Will the Government bring in a Bill to give the Greens (WA) party status - let us say it has five members in both Houses - which will make the Greens a recognised party, so that another one-third of the Opposition's funds will go to the Greens? Will it mean that the official opposition party - the Liberal Party - will give a further wad of its money to the Greens? If that were to be the case, members opposite should understand that I have a very good memory. After the next election, the first proposal I will take to Cabinet is that the Labor Party get the same number of dollars in opposition as the Liberal Party got in this session.

Hon Ken Travers: Like you did in 1993?

Hon N.F. MOORE: One of the problems in 1993 was that we had forgotten about some of the payback that might have been necessary; we were busy fixing up the mess that had been created.

Hon Ken Travers: That is what you did in 1993; you gave us what you got and not the combined total between you and the National Party.

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Hon N.F. MOORE: An arrangement was put in place; I do not know who organised it, but a sum of money was provided to the Opposition that gave it the flexibility to use the funds in the way it wished. That sum total of money was available to the Labor Party; and whether it was enough is beside the point. The facts are that since the election the Labor Party has divided up those dollars between the National Party and the Liberal Party. Can the Leader of the House tell me what the Government will do if legislation comes forward to give the Greens party status?

Hon Kim Chance: It is the first I have heard of it, but I think it sounds a pretty good idea. I will discuss it with the Premier.

Hon N.F. MOORE: If the Leader of the House was listening, I want to know what the deal is. I am going on what Hon Christine Sharp told us last night was the deal for more resources to members of Parliament. If it means simply that all country members will get a second staff member, a second electorate office and additional telecommunications facilities, and that will apply across the board to every country member, I will be the first to put up my hand and say good on the Government.

Hon Kim Chance: If the Leader of the Opposition thinks the Greens have so little integrity as to be bought in that way, he misunderstands them badly, because they are people of high integrity.

Hon N.F. MOORE: I suspect the Leader of the House was in fairyland last night; either he was not listening to what Hon Christine Sharp said or he has chosen to ignore it.

Hon Kim Chance: She said she was looking for better resources for all country members.

Hon N.F. MOORE: Does the Leader of the House know what she said?

Hon Kim Chance: I know exactly what she said.

Hon N.F. MOORE: Does the Leader of the House know what that means in simple language?

Hon Kim Chance: It means better resources for country members.

Hon N.F. MOORE: No. It means, "Mr Labor Party, do not dud us." The Greens have given the Government its terms and it must deliver.

Hon Kim Chance: The Leader of the Opposition needs to read what she said; that is not what she said.

Hon N.F. MOORE: That is exactly what she said last night, and the Leader of the House knows that as well as I do.

Hon Kim Chance: I have re-read what she said, and the Leader of the Opposition is misrepresenting her.

Hon N.F. MOORE: I cannot quote what she said, because it is the uncorrected copy.

Hon Kim Chance: You are allowed to quote as long as you say it is from the uncorrected version.

Hon N.F. MOORE: The Leader of the House has told me I am entitled to read this out, as long as I state that it is the uncorrected version.

The DEPUTY PRESIDENT (Hon George Cash): The Leader of the House is correct.

Hon N.F. MOORE: Thank you, Mr Deputy President. One would think I would know that by now. At page 28 of the uncorrected proof of *Hansard* for last night Hon Christine Sharp stated -

I remind the Government and the minister that this arrangement - or "deal" if it makes members opposite happy to hear that - is incomplete.

Members will remember that we were debating the third reading of the Electoral Amendment Bill. Hon Christine Sharp continues -

The Labor Party must do what the Greens want because that is the reason it has had our support for these amendments.

Hon Kim Chance: She was talking about resources for country members.

Hon N.F. MOORE: The Leader of the House should let me finish. The member continues -

It is incomplete in two important ways: firstly, the amendments to provide for the regional model the Greens proposed for the Legislative Council have not been agreed to by the other place. We look forward to the Council receiving a message from the other place advising that that matter has been finalised. When that has happened, we will look forward to somewhat more meaningful comment from the Government about improvements to resources for country members, such as free telephone services, additional electorate offices and staff, free teleconferences, the establishment of electronic networking

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centres where necessary, consideration by way of a government review of ways to improve access to parliamentary representatives and, more generally, methods of facilitating greater participation in the democratic process in Western Australia.

Hon Dee Margetts: Which is what we have been saying all along.

Hon N.F. MOORE: I know that; I am not being critical of the Greens. The Greens have got the Government by the short and curlies - if I can use that expression without being rude.

Hon J.A. Scott: Don't you want those things?

Hon N.F. MOORE: Did Hon Jim Scott not hear me a minute ago? I will say it again, so he understands. If the Government delivers on those things to country members I will be the first to say good on it and offer congratulations, although it is a pity it had to be extracted in this way.

Hon Kim Chance: So why are you casting aspersions?

Hon N.F. MOORE: I am not. I am asking whether that is as far as it will go.

Hon Dee Margetts: There is nothing in what she has said that says anything else.

Hon N.F. MOORE: Hon Dee Margetts should listen. In 1983 in order to facilitate the requirements of the party with the balance of power, the then Labor Government made the National Party a recognised party and gave it the resources that went with having that status. Hon Christine Sharp was talking about individual members' resources, and that is fine; I am supporting that. I am raising the prospect that Dr Gallop may be as pragmatic as Mr Burke and say to the Greens (WA) that the Government will now recognise it as a political party by changing the legislation and thereby entitle the Greens (WA) party to additional resources in the same way that the National Party is currently entitled to those resources. That is what I am asking the Government to tell me. Is that the Government's intention? I wonder, if the Government did that, would it rip another one-third of resources off the Liberal Party in the same way that it did at the beginning of this year. If that is the case, I will get seriously angry, because that is an affront to the basic principles that apply to Governments giving Oppositions reasonable resources to carry out their functions. Right now I have half the number of staff that Hon Tom Stephens has in the upper House. I do not have a driver to drive me everywhere like Hon Tom Stephens had. I do not have somebody to come here at midnight on Monday night to drop off the urgency motion so that Hon Tom Stephens did not have to get out of bed. I do not have a driver to do those sorts of things.

The DEPUTY PRESIDENT: Order! We are dealing with the second reading of the Electoral Distribution Repeal Bill. Up to the point when the Leader of the Opposition was led down another track by some interjections, we were dealing with the Bill. Whether the Leader of the Opposition has a driver to deliver urgency motions to the President is not part of this Bill and I ask the Leader of the Opposition to return to the debate before the House.

Hon N.F. MOORE: You are right, Mr Deputy President. I was using that as a way of explaining that the circumstances in which the Opposition finds itself are not acceptable. If it turns out that the Greens will also be given additional government support - and I am not saying that they are because I do not know - it should not come at the expense of the official Opposition.

*Sitting suspended from 1.00 to 2.00 pm*

Hon N.F. MOORE: I do not have a great deal more to say about this Bill, although I remind the Government that a lot more could be said because it will repeal the Electoral Distribution Act 1947. We should be talking about why we are not having an electoral commission and the types of issues that Hon Peter Foss raised the other night. If we were to deal with this Act independent of the other Act, we would have an absurd set of circumstances. That demonstrates the total absurdity of the process that we are now pursuing, and it does the Labor Party no credit to go down this path.

Before lunch I said that I am fascinated by, and interested in, the arrangement that has been made between the Greens (WA) and the Government. I was interested to learn the terms of the agreement and the Greens' understanding of the process, as stated in the House by Hon Christine Sharp. This issue has an element of the tail wagging the dog, and quite clearly last night Hon Christine Sharp was reminding the Government of the arrangement in place and that it will not be finalised until the Government deals with two matters. Firstly, the other Bill must be amended in the Legislative Assembly and returned with provision for two extra upper House members; and, secondly, the Government must indicate how it will make available additional resources for members. I note Hon Christine Sharp's comments about additional resources for country members. As a country member, I will be delighted to receive this additional support. It would be unacceptable to differentiate

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between country and city members when assigning these additional resources that will be made available to members of Parliament. However, I welcome any decision by the Government to improve the resources that are available to members of Parliament, whether they be country or city members. It has taken too long for this to happen. The coalition Government provided members with an extra 0.4 of an FTE, and the quality of resources available to members has improved dramatically since the days when I first came to Parliament. We were provided with half an office in Parliament House, and shared with 10 other members the services of one typist. That was a pretty poor arrangement, but it has improved dramatically since then and could be improved even further. It will have to be improved if this Bill is passed in conjunction with the Electoral Distribution Repeal Bill.

I am concerned that - I have no reason to believe this will happen - if the Greens are given the same party status that the National Party achieved in the 1980s, it will be done at the expense of the official Opposition's resources. That would be unacceptable. I mentioned that to the Leader of the House because I was hoping to convince him - if he has any sway with the Premier - that the Liberal Party should be given the official Opposition's resources because it is the official Opposition. We have as many members now as the Labor Party did when it was the official Opposition. What the Government decides to do, and what the legislation provides for in the context of other parties, should be quite different and outside any arrangement between the Government and the official Opposition.

Hon Kim Chance: I agree with you on that issue.

Hon N.F. MOORE: I urge Hon Kim Chance to take up this issue with the Premier because it is an unfair state of affairs. If the Government wants to change the legislation to ensure that the Greens become an official party, then that also should not be at the expense of the Opposition.

The Opposition opposes this legislation for the same reasons that it opposed the other Bill. This Bill does nothing for country Western Australia, and it ignores the reality of the current system which provides a fair result; it provides not only a fair result, but also equality of representation. It enables country people to have their voices reasonably well heard. The other day somebody used the argument that if country people were having so many problems with a weighted voting system, it would not make any difference if we got rid of it. However, if this were to happen, country people would be worse off because they would have less voice in the corridors of power and less influence in the decision-making bodies that run the State of Western Australia. As I said before, if fewer country people are arguing the case for country people in the forums in which decisions are made, country people will ultimately be disadvantaged. It is a fact of life; it does not matter what organisation or group of people we talk about; fewer representatives means less impact and fewer benefits to that group.

As I said the other day, the Labor Party is wrestling with the influence of the unions within its own ranks. There are those who believe that the unions have too much say in the way the Labor Party operates, because they have too many members in the Labor Party. It has been suggested that union representation must be reduced to lessen that influence. The same applies with country people; if we reduce the number of country members we shall reduce the influence of country Western Australia in Parliament. That will be a sad day for Western Australia. This Bill is part of a contrived arrangement, and it is one which I desperately hope will be ruled out of order by the Supreme Court. When it is considered by the Supreme Court, country Western Australians can only hope and pray that it will decide the legislation is invalid. If that happens, I hope that the Labor Party does not come up with another contrivance, such as giving the President a vote in order to make another attempt to pass this legislation. We will wait to see whether that is the case. I certainly hope and pray that the Supreme Court rules these Bills out of order. That would give the Labor Party a serious blood nose in the context of seeking to disadvantage country Western Australians. It would also demonstrate to the Western Australian public that the Labor Party will go to any lengths to achieve its own party political advantage. Let us hope that before this issue gets to the Supreme Court, the Greens will change their minds, or something to that effect. However, I guess that is beyond the realms of possibility, so let us just hope and pray that the Supreme Court does the right thing by country Western Australia.

**HON DEE MARGETTS** (Agricultural) [2.09 pm]: I had not intended to make a contribution to the second reading debate, but I feel obliged to do so after considering the contribution made by the Leader of the Opposition. Because it related to this Bill, and because a number of suppositions and accusations about, and interpretations of, what was said by my colleague Hon Chrissy Sharp were made, I felt it was necessary to put paid to those ridiculous comments. The quotes that were read out do not prove anything, except what the Greens (WA) have been saying all along; that is, that we are trying to balance the general principle of one vote, one value and equity within the voting system. Therefore, nothing that Hon Chrissy Sharp said was different from anything that we have said along the way. We have been open and transparent with everybody along the track. We presented our draft views to everybody as early as they were available. The reality is that there was nothing damning or condemning in what Hon Chrissy Sharp said, and nothing was different from what we have been

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saying in public all along. From our point of view, the narrowly defined concept of one vote, one value would not guarantee electoral fairness, and we wanted to make sure that the Government understood that to achieve the concept of electoral fairness, a great deal more than simply making changes to the numbers, especially in the lower House, needed to be done. There was nothing new, different or damning in anything that my colleague Hon Chrissy Sharp said.

I will be specific and deal with the issue of whether Hon Chrissy Sharp's words should somehow be linked to the requests that the Greens (WA) have been making of the Government since March this year regarding the resources needed to deal with the job, bearing in mind that the Greens hold the balance of power and that a great deal of pressure is being placed on Greens members as a result of the Government's requirement to have Bills dealt with in a timely fashion.

Hon Ken Travers: You made the same request of the last Government.

Hon DEE MARGETTS: That is right. It is true that we made similar requests of the last Government. It did not accede to those requests. However, at the last election, we achieved a greater number of representatives in this Parliament. Clearly, the workload of the five Greens members who hold the balance of power is enormous. Especially at this time of the year, there is a great deal of pressure on members. We have duties to perform as not only members of Parliament but also committee members and so on. The reality is that nothing that my colleague Hon Chrissy Sharp said last night negated anything that we have said all along.

In my second reading contribution on the previous Bill, I mentioned that the Greens (WA) had been asking for responses to its requests since March. We asked for fairness and did not accede to the concept of one vote, one value in both Houses. I said that it would be ironic if the Government could be angry enough to punish us; that is, to try to give the impression to the community that somehow the requests that we had been making of the Government since March this year, with letters going backwards and forwards, could somehow be linked to this Bill. On 13 September this year, the Premier wrote to my colleague Hon Giz Watson and stated -

The Government is prepared to amend the *Public Sector Management Act 1994* in a manner that would allow staff to be employed for a nominated Parliamentary representative and the necessary legislative changes are being prepared.

The last letter on that matter that I have in front of me is dated 30 November this year, and it states -

A date for the introduction of the Bill will be determined in early 2002.

As I said, since March, letters have been going backwards and forwards, and there have been meetings, discussions and reminders. I think my colleague Hon Giz Watson had a note in her diary to ring the Premier's office every week. It cannot be recorded in *Hansard*, but the nodding of my colleague indicates that that is a fact. We made requests of the previous Government. In March, in view of the pressure on Greens members on a daily and constant basis, we made requests of the current Government. Nothing in any of the responses from the Government indicated that it would be willing to accede to our requests as a result of discussions on the electoral reform Bills. It was not on its priority list, and that is not surprising. However, it indicated that there was merit in our requests, especially at times when the electoral pressure is huge and members are involved with committees that are scrutinising various matters. The five Greens members are on a range of committees, so there is little time and resources are scant.

The Greens will obviously be very relieved if the recognition that we need extra resources is finally given. I am sure that loads of people will jump up and say that they have discovered something, should the timing be such that we are granted those extra resources about now. Would a whole lot of clever people not say that they had discovered a deal? At an early meeting with the Premier about resources - we wanted to have a debate about it - one of the first things said by the Premier was, "What do I hear about you giving us a hard time on electoral reform?" I remember being angry - my colleagues can attest to this - and I said, "What on earth is the connection between electoral reform and what we are asking for?" I was very angry, because my colleagues and I do not believe in cross-issue trading. From the beginning, we made it as clear as possible to the Government that any discussion on any legislation would be on the merits of the legislation.

If other people in this Chamber have other standards, that is a matter for them. However, in the end, we know what the discussions and the communications were about and what we have been asking for all along. What people find difficult to understand is that we are trying to balance two things; that is, numerical fairness in an electoral system, and access and equity for people in a State the size of Western Australia. People can take it or leave it and run whatever stories they like. In the end, there are no skeletons in the closet. People can dig all they want and interpret things all they like, but that is the way we operate. If people cannot cope with that, maybe they have the problem and not the Greens (WA).

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**HON DERRICK TOMLINSON** (East Metropolitan) [2.17 pm]: While I have been listening to the debate, a couple of times this question has run through my mind: what would the tenor of this debate have been if the Liberal Party had accepted the deal that was put to it? I do not recall the full details of the deal, but two elements of it were a five per cent threshold for the distribution of preferences and staggered terms. Of course, the Liberal Party does not do deals, so it did not proceed with what was put to it. There was not an arrangement. There was no reference to an arrangement or anything like that. It was a four-letter word: deal. That was what was put to us. However, we did not do the deal; hence the tenor of the debate is different.

The Electoral Distribution Repeal Bill that is before us has an interesting title. When one looks at the content of the Bill, one finds clause 2, Commencement, which states that the Act comes into operation upon royal assent. Clause 3, Electoral Distribution Act 1947 repealed, states -

The *Electoral Distribution Act 1947* is repealed.

That is what the Bill is about. That is what the title tells us the Bill is about. However, the Bill is not completed at clause 3. It has a clause 4. The title of clause 4 is "Constitution Acts Amendment Act 1899 amended". More words are used to amend that Act than are used to repeal the Electoral Distribution Act 1947. Section 5 of the Constitution Acts Amendment Act is to be amended by deleting "as defined under section 6". Sections 6, 18 and 19 are to be repealed and a proposed new section is to be inserted. Clause 5 deals with transitional provisions, which were the subject of an earlier debate in this House. That debate revealed that the transitional provisions apply. The Bill then contains a series of clauses detailing consequential amendments to the Electoral Act 1907, the Juries Act 1957 and Salaries and Allowances Act 1975.

Even though the Bill is titled the Electoral Distribution Repeal Bill 2001, an equally significant initiative in this Bill is a proposed amendment to the Constitution Acts Amendment Act 1899. I am struck by the ease with which that legislation can be amended. Section 5 is to be amended by deleting the words "as defined under section 6" and section 6 is to be repealed. It is as simple as that. Sections 18 and 19 are also to be repealed and a proposed new section is to be inserted.

I wonder what the Western Australian citizenry think of that. Largely because they are so uninformed about what the Constitution is and means, I suspect they would be rather confused that an Act or a law that looms so large in their minds about the political and organisational structure of government in this State could be so easily changed. People have many wrong impressions about what the Constitution is and does. I am sure all members have heard constituents say, "That is my constitutional right." What is their constitutional right? They say that they have a constitutional right to freedom of speech and so on. When asked where those rights are set down, they say, "They are in the Constitution. If they are in the Constitution, and that is the law, they cannot be taken away from me." That is a popular misconception about our Constitution.

Our Constitution is not merely the Constitution Act and the Constitution Acts Amendment Act; it is an aggregation of statutes and documents. In the Commission on Government Report No 5, dated August 1996, the commissioners try to explain the nature of the Constitution as follows -

There is no single document containing all the constitutional laws of the State. Our primary constitutional documents are the *Constitution Act 1889* (the Constitution Act) and the *Constitution Acts Amendment Act 1899* (the Amendment Act). Apart from these, there are a number of possible sources of State constitutional law:

- other Western Australian legislation (for example, *Electoral Act 1907*, *Supreme Court Act 1935*);
- Commonwealth Constitution;
- *Australia Act 1986* (UK), *Australia Act 1986* (Cwlth), *Australia Act (Request Act) 1985*, (the Australia Acts);
- United Kingdom statutes such as the *Bill of Rights 1688*;
- the common law . . . ;
- constitutional conventions.

Somewhere there is the thing called "the Constitution". In popular imagination, the Constitution is a document that contains a statement of rights, responsibilities, the organisational structure of government, the powers of the judiciary and the Parliament, and so on. I suspect that it is seen to be an immutable document protecting the rights and privileges of the citizens of Western Australia. In that context, I wonder what they would think of the ease with which clause 4 of this Bill amends the Constitution Acts Amendment Act 1899.

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Hon Ray Halligan made reference to that issue in his speech. He cited the "WA Labor policy platform: constitutional, parliamentary and electoral reform". I was so interested in what the member had to say, that I was moved to refer to the document on the ALP web site.

Hon Ken Travers: We should have made you buy a copy.

Hon DERRICK TOMLINSON: Why would I buy it when Parliament has given me a computer? Why does the parliamentary secretary think the Parliament provides me with a computer? We have people crying out for more resources and he is telling me not to use them. Silly boy!

I downloaded a copy of that document on 12 December. On the topic of electoral reform, it states -

Labor re-affirms its commitment to:

- the principle of universal compulsory voting;
- the integrity and independence of the WA Electoral Commission;
- the full public disclosure of all political donations;
- a lower house electoral system based on preferential voting in single member constituencies;
- and
- an upper house voting system of proportional representation.

I could not find anything about one vote, one value.

I was struck by the Labor Party's policy platform about constitutional reform. It states -

Labor believes that the Constitution should be the fundamental compact between the Western Australian people and their government.

That fundamental compact can be amended by a simple legislative mechanism stating that a clause is repealed. What sort of compact is it when one of the parties can come into this place and say that that part of the compact no longer exists? What about the other party? A compact is an agreement between two or more parties. In that context, one party cannot simply say that part of an agreement no longer exists. There would have to be a compact to change the nature of the compact. That is the nature of our Constitution. The document continues -

Labor believes that the Constitution should be the fundamental compact between the Western Australian people and their government. To ensure this objective Labor will act to:

- ensure that the Western Australian Constitution is consolidated into one Act;

It is not simply a consolidation of the Constitution Act and the Constitution Acts Amendment Act, but a consolidation of all those things that are referred to, into a single Act. It continues -

- guarantee individual, collective and civil rights;

So interested was I in the Labor Party's attitude to the Constitution and constitutional reform that I took my research one step further and found a document in my filing system which has the title "Accountability". It is Labor's response to the Commission on Government's reports, authorised and printed by Mark Nolan of 82 Beaufort Street, Perth. I suspect that it is not a recent document. There is no date on it, although there is a fax header on the document that suggests that it came into my possession in 1996.

Hon Frank Hough: A leaked document?

Hon DERRICK TOMLINSON: It is not a leaked document; it is a publicly available document. I do not indulge in deals and leaks.

Hon Ljiljanna Ravlich: Give us a break!

Hon DERRICK TOMLINSON: The member is not impugning my integrity, is she?

Hon Ljiljanna Ravlich: Absolutely.

Hon DERRICK TOMLINSON: It is a publicly available document. I am sure that if Hon Frank Hough were to ask for one, the Government would supply him with a copy.

Hon Ken Travers: We might have to ask you to give us a copy, but we would provide it to him.

Hon DERRICK TOMLINSON: The member means it is a historical document. It is certainly a hysterical document! Page 1 reads -

The difference between the two major parties -

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Of course, the document is historical because the Labor Party was talking about the two major parties being Liberal and Labor. Now of course it talks about the two major parties being the Labor Party and the Greens (WA).

Hon Ken Travers: You are onto the minor leagues.

Hon DERRICK TOMLINSON: I know they are Labor minor, but the member said that and not me. I repeat, page 1 reads -

The difference between the two major parties in their response to the Commission on Government is highlighted by those matters which the Government has rejected outright or failed to give an adequate pledge of action but which the Labor Party has committed to implement.

I will not waste the time of the House by reading all 26 recommendations that the Commission on Government made and which the Labor Party pledged itself to implement, because they have been recited in this place over the past five years ad nauseam. It is a pity, Mr Deputy President, that the President is not in the Chair, because the President, when he was a mere opposition backbencher, had a speech for all occasions. That speech for all occasions enabled him to stand up and talk about the 26 recommendations of the Commission on Government which the then Liberal-National coalition Government had either rejected or not acted upon, but which the Labor Party when in government was committed to acting upon. The speech for all occasions was presented by the now President so often that there is no need for me to recite the 26 recommendations, because those of us who have been here too long can recite them without reference.

I do, however, draw attention to three of the Commission on Government recommendations. Putting them in context, I refer again to the statement in the ALP document that the Labor Party has committed to implement recommendations 245, 257 and 263. Those recommendations are about consolidating the Western Australian Constitution. Recommendation 263 is that a wholly elected people's convention be summoned within 12 months - that is, within 12 months of becoming government - and that clauses of the Constitution be submitted to public referendum. This must be old Labor, or is it old new Labor as opposed to new-squared Labor? I understand that right now there is a conference to rediscover new new Labor and that Neville Wran and Bob Hawke of old Labor, will invent and create new-cubed Labor.

Hon Frank Hough: Green Labor!

Hon DERRICK TOMLINSON: The Greens are labouring under a misapprehension. There is no need to worry about that.

How will old Labor or old new Labor fulfil its promise of consolidating the Western Australian Constitution and summoning a wholly elected people's convention within 12 months? Page 3 of the document refers to the people's convention, and reads -

Labor proposes a People's Convention of 100 delegates with a majority directly elected. Sixty delegates will be directly elected by the people and 40 will be appointed by the Parliament to ensure a balance of expertise and interests.

I think the Labor Party simply took this and turned it into the Community Drug Summit instead. It continues -

Delegates would be elected by proportional representation using the six Legislative Council regions as the base. The number of delegates elected from each region would be proportionate to the population in each region. The system will be fair and ensure regional representation.

As people in power are often reluctant to impose checks and balances on themselves, Labor commits to the holding of a binding referendum on a proposed new constitution for Western Australia.

That referendum will be provided for by a special Act of Parliament incorporating Parliament's consideration of the recommendations of the People's Convention.

That is a highly commendable set of propositions.

Hon Ken Travers: In your filing cabinet do you have your 1986 election policy?

Hon DERRICK TOMLINSON: I have the election policies going back to 1949. I can recite almost every one of them. However, 1986 was a bit of an aberration.

The concept of the set of recommendations contained in the Labor Party document titled "Accountability", for which unfortunately I do not know the date, is commendable. Imagine a Government that had done what old new Labor promised to do; that is, within 12 months hold a people's convention, produce a new Constitution for Western Australia and commit the Government to presenting that Constitution to Parliament. Of course, the next stage would have been a referendum for popular endorsement. The people's convention would have made the

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decision to either incorporate the electoral laws in the Constitution or remove them from the Constitution and establish them in a separate Act. A people's convention comprising 100 delegates, 60 of whom were elected on a proportional basis from regional representation and 40 of whom were nominated or chosen by the Parliament, would have shaped electoral reform in this State as part of the process of redefining or establishing a new Constitution. I anticipate it would have been a three-year project: one year for the people's convention; and one year for drafting and legislating, followed by a referendum; and, in the third year, the Parliament would have been able to present to the electoral commissioners a new structure for electoral representation and electoral reform. That structure might not have been a great deal different from the present system, or it might have been radically different. I cannot divine the direction that a convention comprising 100 delegates might take.

We can compare that statesmanlike approach to parliamentary, electoral and constitutional reform with the process that we are going through now. I will not say that a deal has been done. I will simply echo the words of the minister; namely, it was the only way the Government could get done what it wanted done. I am paraphrasing the minister. If I have misrepresented him, I am sure he will raise a point of order; given that he has not, I assume I have given a fair representation of what he said.

Former Senator Graham Richardson, another prominent ALP figure, possibly even more prominent than the minister, put it in terms of "whatever it takes". We have gone from a document that outlines a highly commendable and statesmanlike approach to constitutional and electoral reform to a process that is summed up by the words "whatever it takes".

Hon Ljiljanna Ravlich: That is your interpretation.

Hon DERRICK TOMLINSON: It is not my interpretation. It is the minister's words.

Hon N.D. Griffiths: They are Richo's words!

Hon DERRICK TOMLINSON: I apologise to Richo, and I acknowledge the fact that the minister is a man of honour and integrity and would not take unto himself words that belong to someone else. The minister's words were, in effect, that it was the only way the Government could get done what it wanted done. That is slightly different in tenor, I admit, but it is exactly the same in denotation.

While we are talking about doing whatever it takes and applying that to electoral reform, I will extend my recitation of the ALP's "Accountability" document to what it says about reform of the Legislative Council. I do so not because reform of the Legislative Council is anticipated in the Bill before the House, because the Bill before the House is silent about reform of the Legislative Council. It simply repeals the Electoral Distribution Act 1947 and therefore repeals both the form of distribution for the Legislative Assembly and the form of regionalisation for the Legislative Council. That is all it does. It does not substitute anything. It simply eliminates something. As far as the Assembly is concerned, clause 4 of the Bill proposes to substitute a new section 18 that states -

The Legislative Assembly shall consist of 57 elected members who shall be returned and sit for electoral districts.

However, the Bill is silent on the Legislative Council. It simply abolishes the Act by which the regional structure of Legislative Council representation exists. It does not substitute anything. I may be transgressing standing orders, but I think it is reasonable to consider in the context of this Bill what the ALP intended for reform of the Legislative Council, because although I agree that the link is tenuous, there certainly is a link to this Bill. The "Accountability" document states at page 3, under the heading "Reform of the Legislative Council" -

To implement the reforms to the Parliament proposed by COG, the basis of election to the Legislative Council will be changed to amalgamate the current six regions into two - one city and one country.

Regional representation will be preserved while the principle of one vote one value is applied.

This system will lower the quota and enable a greater number of small parties and Independents to be elected to the Legislative Council. This should enhance its representation and review functions.

To fully appreciate that statement, we need to consider the recommendation of the Commission on Government about the Legislative Council at point 9.3.4.5 at page 342 of report No 1, August 1995 -

1. The present regions for the Legislative Council should be abolished.
2. The five, seven member electoral regions should have numbers of electors in each region determined as follows:

The quota of enrolled voters in each Legislative Council region should be determined by dividing the total state enrolment, projected four years in advance, by the number of regions.

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Each Legislative Council region should be comprised of complete and contiguous Legislative Assembly electoral districts. A plus or minus 15 per cent deviation from the quota should be permitted based on the criteria listed below.

The Electoral Distribution Commissioners, when exercising their discretion over the deviation of plus or minus 15 per cent from the quota, should be required to place the primary emphasis on community of interest as a criterion for the allocation of voters to electoral regions.

Secondary criteria are:

- (a) means of communication and distance from Perth;
- (b) geographical features; and
- (c) existing boundaries of regions and districts, including local government boundaries.

[Quorum formed.]

Hon DERRICK TOMLINSON: I thank members for coming back to hear what I have to say, because it is of utmost importance. The reason for reciting the recommendation of the Commission on Government at length is that the old new Labor had committed itself to that electoral reform. Again, the Labor Party has committed to implement recommendations 42, 50, 53, 250, 255 and 256 of the Commission on Government report to introduce electoral reform for the Legislative Assembly and the Legislative Council. We have this very honourable structure that old new Labor proposed. Following the Royal Commission into Commercial Activities on Government and Other Matters and the appointment of a Commission on Government, which made many recommendations, the ALP produced a document in which it elaborated Labor's response to the Commission on Government report. That response included constitutional reform via a people's convention and electoral reform according to the recommendations of the Commission on Government - to put all of those to referenda. I suggest that had new Labor, or new new Labor, followed that prescription, it would have established itself as one of the great Governments of Western Australian history. It would have tackled the important issues of constitutional reform in a way that allowed those most directly affected by the Constitution, the people of Western Australia -

[Quorum formed.]

Hon DERRICK TOMLINSON: Having referred that to a people's convention, enacted the legislation consequential upon the recommendations of the people's convention, and then referred that legislation to referenda for endorsement, a new new Labor Government would have given authority to its processes of electoral reform - the authority would be embedded in the authorisation by the citizens of Western Australia. Would it not be truly statesmanlike? Could we not anticipate such a Government being unchallengeable for some considerable time in any electoral forum? I would have thought any Government which followed that responsible procedure for electoral reform would be unassailable at the polls.

Instead, what we have is a Government which, recognising it has but a single term in which to achieve its goals, has gone about the process of electoral reform in a very, very shabby way. Its first assessment was to say, "What can be achieved?" Looking at the entrenchment provisions of the Electoral Distribution Act 1947 and the Electoral Act 1907, it realised it was limited. It realised that without an absolute majority in this House, its opportunities were limited, so it introduced a Bill that was directed towards one vote, one value in the Assembly but was silent on any change of the Legislative Council, in spite of its 1996 commitment to implement the recommendations of the Commission on Government. It would not have been reliant on the entrenchment provisions; it would have been reliant upon a referendum.

However, it made a second assessment. The second assessment was that it could not win a referendum. Its sole basis for that judgment was that referenda in Australia seldom succeed. That in some respects is an accurate judgment. However, fair and reasonable propositions put to referenda have succeeded: the 1946 amendment, section 51(xxiiiA), which gave the Commonwealth powers for pharmaceutical benefits, benefits to students and so on - a fair and reasonable proposition; and the 1967 amendment to allow the Commonwealth to make laws for Aboriginal persons. Whenever a fair and reasonable proposition has been put to the people of Australia, they have assessed it as a fair and reasonable proposition and have endorsed it, because in my experience the people of Australia are fair and reasonable. They also see through shams and charades. I am sure the reason that new new Labor was opposed to a referendum is that it knew the question it put would be a sham and a charade.

Having made the assessment that it could not win in that way, Labor went for a deal. We are yet to see what the deal is because the deal exists only in the agreements that have been negotiated between "Labor Major" and "Labor Minor" - the Government and the Greens (WA). The full nature of that deal is yet to be revealed to the people of Western Australia.

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An unfortunate aspect of this Bill is that when the people of Western Australia realise the full implications of the deal, it will be too late because the legislative process and electoral reform will have been completed and the next election will be upon them before they realise the consequences of the deal. I do not want to speculate on the other consequences of the deal that the people of Western Australia might realise, but they will realise it well and truly before any election in, say, February 2005. I have demonstrated what could have been and contrasted what could have been with what is. What could have been had a great deal to commend it. What is has nothing to commend it.

Returning to the Bill before the House, part of the deal will see the adoption of clause 3 - that is, the Electoral Distribution Act 1947 will be repealed and the amendments to the Constitution Acts Amendment Act 1899 in clause 4 will be endorsed, which will mean that sections 6, 18 and 19 of the Constitution Acts Amendment Act will be repealed and a new section 18 substituted. The basis for the distribution of regions and representation in this House will cease to exist upon the passage of this Bill. As much as the Opposition might oppose those amendments, the reality is that they will be carried. The repeal will proceed, not because it is founded upon good reason or good argument but because it is founded on a shabby deal.

I cannot but feel some dismay about the descent of the Australian Labor Party from the position it took in 1996 to the position it is now manipulating in this electoral reform. In 1996 it was a party that had learnt from the chastisement of the Royal Commission into Commercial Activities of Government and Other Matters and it was, to put it mildly, a chastisement of a previous Labor Government. I give credit to new Labor, or old new Labor, which learnt from that chastisement and established for itself an honourable approach. No longer is it an honourable party.

**HON SIMON O'BRIEN** (South Metropolitan) [3.04 pm]: I am sorry if it was not clear that I was seeking the call. I hesitated a little while because I thought there would be a contribution from a member of the Parliamentary Labor Party.

Hon Ken Travers: How many government Bills did you contribute to?

Hon SIMON O'BRIEN: That is an interesting interjection from Hon Ken Travers. I recall when we were in government his colleagues telling us that we should make more of a contribution, yet all of us backbenchers contributed to the debates of the House. Now the Government of this day is incredibly silent. We never hear anything from parliamentary secretaries or backbenchers. They must be finding it awfully frustrating. It gives me no pleasure to have to contribute to this second reading debate.

Hon N.D. Griffiths: We share in your lack of pleasure in that regard.

Hon SIMON O'BRIEN: Why then has the Government got this wretched legislation before us?

Hon N.D. Griffiths: It is good legislation. Get on with it.

Hon SIMON O'BRIEN: The minister now wants to hear from me.

As I said, the occasion is not a happy one for this Parliament or for the people of Western Australia, and I will try to keep my contribution brief.

Hon N.D. Griffiths: Try harder.

The DEPUTY PRESIDENT (Hon George Cash): Order! There is no need to encourage the member to reply to interjections.

Hon SIMON O'BRIEN: We are, of course, considering the second reading of the Electoral Distribution Repeal Bill 2001, a Bill about which one must ask the question, in view of the recent debates in the House: why was this Bill not dealt with cognately with the Electoral Amendment Bill that we have just dealt with? They are surely part and parcel of the same package. There is an answer to that question, of course. The answer is one that I have alluded to in considering that other Bill, of which this current Bill is a very close relation; that is, because it is a part of a government con job to re-manufacture the electoral procedures and processes in this State to suit itself. It is for that reason that this is unworthy legislation and it is for that reason that it gives me and others on this side of the Chamber no pleasure to have to deal with it, consider it and debate it.

The Bill contains only eight clauses. It is not an impressive looking document. A casual observer might ask why I take such displeasure or exhibit such distaste in even viewing this wretched Bill. It is because of the detail that lies behind it. The detail commences in clause 3, which states in a few simple words -

*The Electoral Distribution Act 1947 is repealed.*

Just like that! Yet, it was only in the past week or so that the House put an amended version of that Act into the Electoral Act 1907. Indeed, many of the provisions that a former Bill just passed in this House inserted into the

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Electoral Act 1907 are almost indistinguishable from provisions currently in the Electoral Distribution Act 1947, which clause 3 of this Bill seeks to repeal. Together with those provisions, we made some amendments - there is no other word for it - in the course of placing them in the Electoral Act 1907. I use the word "amendment" advisedly. The Government does not want to use that word, in the same way that it did not want these two Bills debated cognately - it claims they have nothing to do with each other. The Government is unable to use the word amendment in connection with some of the provisions it proposes to insert into the Act. Members on this side of the House call it the A word - the word that must not be said by the Labor Party in connection with this debate. Members opposite cannot say the A word, but perhaps we will deal with other A words on another occasion. The word amendment cannot be mentioned in the context of this debate, because if it is, the Government's shabby little charade would fall down around its ears. Nonetheless, we have been through the task of processing a Bill to insert provisions in another Act, which provisions are unquestionably identical to those contained in the Electoral Distribution 1947, which clause 3 of the current Bill seeks to repeal in its entirety. Why would we do such a thing? The only answer that anybody could possibly arrive at is that the Labor Government is pulling a swiftie. This House should not countenance that. Members opposite must wonder what they have got involved in, when they have to sit and listen to opposition members remind them of the skulduggery in which they are involved. It must be painful for them to sit there if they have a conscience, so possibly we are not inflicting too much damage. However, it will be a lot more painful when the consequences of this ill-advised and dishonest legislation are visited upon the people of Western Australia.

The Electoral Distribution Act 1947 will be repealed at the stroke of the pen. What then will be the body of electoral law in Western Australia? That is the question that any sane Legislature would consider when it repealed its own Electoral Distribution Act. The Government would have us believe that it is all right because we will have the provisions of the Electoral Act 1907. I do not want to use a nasty word, but those provisions have been augmented by the amendments that have been passed recently. The Government would have us believe that that will be the electoral law upon which we shall rely. However, we have a long way to go before those provisions are confirmed. Before the process is complete, the Bill that we dealt with recently in this place must go to another place where certain matters have to be considered. We are told that, magically, fresh amendments will be applied, a message will be transmitted to this House and we will have a fresh debate on our hands to consider the final make-up of the Electoral Act 1907. A little more water will flow under the bridge before we have a replacement electoral law. The Supreme Court hurdle must be jumped. Whether that hurdle will be successfully negotiated by this other government Bill remains to be seen. The most positive or optimistic view that a realistic Government could rely on is that its chances of successfully negotiating the Supreme Court hurdle are at least in the balance. The Government is optimistic, but it has all sorts of optimistic outlooks about all manner of unreasonable and unlikely matters. This is just another of them. It may be that the amended provisions - sorry to have to use that word again, minister - of the Electoral Act 1907 will be found wanting. In this second reading debate of the Electoral Distribution Repeal Bill 2001 why are we considering the repeal of the Electoral Distribution Act 1947 before that other matter has been clarified? More to the point, why not deal with both as one unit, particularly when the consequences of one Bill cannot be implemented until the effect of the other Bill occurs concurrently?

Bearing in mind the possibility that the Electoral Act amendments could be found to be unlawful or incapable of being proclaimed, as Hon Peter Foss alluded to on another day, what on earth are we doing repealing the Electoral Distribution Act 1947? The minister considered a similar question in this House. His response was that the Government would legislate quickly to put something in its place. That is not a professional way for a Parliament to conduct its affairs. It is further grist to the mill for the Electoral Distribution Repeal Bill not to be passed at its second reading. It does more than that, Madam Deputy President (Hon Kate Doust), the Electoral Distribution Repeal Bill amends the Constitution Acts Amendment Act 1899 in a couple of ways. It amends section 5 by deleting the reference to section 6. Sections 6, 18 and 19 are repealed and a fresh section 18 is inserted into the Constitution Acts Amendment Act 1899, which will read -

The Legislative Assembly shall consist of 57 elected members who shall be returned and sit for electoral districts.

References to that are made in sections of the Constitution Acts Amendment Act 1899 proposed to be repealed. Through a simple exercise of mathematics, by adding 34 metropolitan and 23 non-metropolitan districts, there will be 57 seats in the Legislative Assembly.

Again, why are we going down this path when similar provisions are already in another Act? The only reason we are going down this path is to circumvent the checks and balances which have been built into our electoral laws and which have been respected by Parliament. However, this Government has no respect for those electoral laws. It is prepared to go to the lengths of using absurd devices such as this to get its way when it cannot get its own way by doing things properly. It wants to engage in all manner of legislative fiction about what it can do

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with absolute majorities; and it signalled that earlier in its term of office when it tried to speculate on whether the President of the Legislative Council should have a deliberative vote. One thing that makes this most distasteful is that the public speculation about that question was carried on by members of the Government who are not members of this place - people such as the Premier and Mr McGinty, who have no right to involve themselves in the question of whether the President should have a deliberative vote. This House itself has the right to consider that question. In a number of ways, it seems to be Mr McGinty in particular who pulls the Labor Party strings in this House, as well as in the other House.

Having signalled to the Western Australian public and the world at large that it wanted to achieve a form of electoral change, specifically for its own political ends, the Government explored the possibility of amendments to the rules that govern the voting power of the President of the Legislative Council. It canvassed that publicly and widely, and for a certain time. Lo and behold, in the end, it has not proceeded with that, because it has decided that that is too hard and that it will go another way. This Bill is part of the other process. It will get around the legal requirements that exist in our electoral laws by hook or by crook. I am not sure if it is more hook or crook, but I can see considerable evidence of both. It is a pretty crook way to go about achieving constitutional change.

One of the things that weakens the Labor Party's position - or at least its claim to some sort of high moral ground on one vote, one value and equity, and all the other favourite phrases that just roll off the tongues of those few Labor Party members who are entitled to be spokesmen - is the idea that it is somehow doing the State a favour by going to these lengths. Putting aside all the other needs of Western Australia and all other reasonable legislative priorities that might advance the wellbeing of the people and the State, and going ahead with its ideologically based power grab, of which this Bill is a part, the Labor Party fails in one key aspect; that is, if a jurisdiction such as Western Australia is to have an electoral system which is respected by all the people and which will endure - surely, that is a sign of being held in respect by the people - it must be one that is not born in this environment of adversity and controversy.

Hon N.D. Griffiths: Vote for it.

Hon G.T. Giffard: Good point.

Hon N.D. Griffiths: You are making it controversial by not doing the right thing.

Hon SIMON O'BRIEN: The elasticity of logical reasoning that the minister is able to exhibit in this matter is truly awe-inspiring. What I am trying to get through to the House, or at least to the members on the other side, is that there is no point in the Labor Party jumping through all these hoops and doing all these tricky legislative gymnastics to achieve its own partisan ends if it wants to pretend that what it is doing is for the benefit of this State and the people who live in it. The proof of that is that this would not be a matter of controversy if the Government was going about it in a reasonable way. The fact that such controversy is attendant upon this issue should tell the Government that it will not be accepted by the people of Western Australia, and it will not last for long. This system has been greeted with a great deal of opposition. The Government is talking about a 17-16 vote at this stage, which is not an endorsement by a Parliament of a system for electing the representatives of this jurisdiction. Sorry, did the minister want to interject? I can find a little time if he wishes to interject.

Hon Ljiljanna Ravlich: Like about 23 minutes 35 seconds. Just keep mumbling.

Hon SIMON O'BRIEN: I thank Hon Ljiljanna Ravlich.

Hon Ken Travers: You are demeaning yourself, but don't worry about it.

Hon SIMON O'BRIEN: Hon Ken Travers made an offensive remark. Of course, I would not normally allow myself to be diverted by unruly interjections, but Hon Ken Travers is mistaken in who is being demeaned in this exercise. I am determined to oppose the second reading of this Bill, because I am standing up for a decent system of electoral arrangements in this State. Hon Ken Travers demeans himself by being associated with a legislative program that seeks to change the entire social fabric of Western Australia to suit the narrow needs of some members of his party and the last lobby groups that collectively banged on his door; but in the Parliament he will not tell us why. I would like to hear his second reading contribution, but he does not have one, does he; and nor do his backbench colleagues, do they?

Hon Ken Travers: I will give it to you now. I support the second reading speech of the minister in principle and in detail, fully and completely. There you go.

Hon SIMON O'BRIEN: It is because he does not have a mind of his own. He has been told by his Caucus what he will stand for. He has found some way of reconciling himself to that. He can live with it. He thinks it might be awfully clever to go down this path and to use this backdoor way to introduce some sort of legislative reform

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that he thinks may assist his side of politics. Hon Ken Travers demeans himself by participating in that sort of process. I make it absolutely clear, particularly to the country people of Western Australia, that the record will show that I at least voiced opposition to the shonky things we are sadly witnessing now.

The remaining clauses of the Electoral Distribution Repeal Bill 2001 are, significantly, consequential amendments, at least insofar as they apply to the Electoral Act 1907, the Juries Act 1957 and the Salaries and Allowances Act 1975. They are references to the Act being repealed. That is a minor issue in the context of this debate.

The only other substantial provision is in clause 5, which deals with the transitional provisions. Those provisions will have effect between the proclamation of this legislation and the coming into effect of the arrangements that are proposed to replace the current electoral arrangements. It has been made abundantly clear that the Liberal Party disagrees with the direction the Government is taking on this issue. This clause provides for the transition between the existing system and the new system. Although we are repealing the existing system because it is supposedly unfair and does not represent one vote, one value, between now and the next election - which may be held in February 2005 or December 2004 - if we need to hold a by-election or fill a casual vacancy -

Hon Derrick Tomlinson: What would happen if supply were denied by this House?

Hon SIMON O'BRIEN: That would be interesting. I am glad Hon Derrick Tomlinson has raised that point. I was about to mention it, and I will return to it in a moment.

Clause 5 indicates that, if necessary, the existing terrible arrangements will apply perhaps until 2005. That is very interesting, and it is fair enough; we need transitional arrangements to deal with by-elections. However, these provisions are absurd in the sense that they are applied on the basis of the electoral provisions that we are in the process of repealing. The situation would be much the same if there were a minor change in boundaries; that is, the old boundaries would exist for a time. In that sense, these provisions are necessary and have some merit.

Hon Derrick Tomlinson asked a very interesting question, and I know what prompted him to ask it.

Hon Derrick Tomlinson: In the event of the Government's being completely dishonest, which it is on the way towards -

Hon SIMON O'BRIEN: The member is not presenting a completely hypothetical scenario. We are seeing indications - I do not think we can call it evidence - that this Government is old before its time. It has gone from happy election success straight to senile decay without the normal period of initiative and progress. That is why my constituents ask me whether I can do anything to get rid of this Government before it sees out its full term in office. I tell them that I did not vote for it.

Hon Derrick Tomlinson alluded to this problem. Hypothetically, what would we do if we had a Government which was rotten, corrupt and bad and which everyone felt should be sacked? How would that be done in this State, which has no provision to trigger a double dissolution?

Hon Ken Travers: There never has been.

Hon SIMON O'BRIEN: I know that; that is what I am saying.

Several members interjected.

Hon SIMON O'BRIEN: The quality of interjections from this side of the House -

Hon E.R.J. Dermer: Exceeds the quality of the speeches.

Hon SIMON O'BRIEN: - certainly exceeds the quality of the interjections from the other side. For the benefit of Hon Ed Dermer, the quality of speeches on this side also exceeds the quality on that side of the House. Even if he refuses to accept that, he must accept that the quantity of speeches made on this side of the House exceeds the quantity made on the other side. Members opposite have been told to belt up; they are not allowed to have their say and represent their constituents.

Several members interjected.

Hon SIMON O'BRIEN: Hon Derrick Tomlinson's question is very relevant to the Bill before the House. The question arises because this Bill repeals our existing electoral laws without providing a guarantee that anything will take their place.

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I introduced the concept of double-dissolution mechanisms. Another member asked what would happen if, by blocking supply or by some other mechanism, a Government was forced to go to the people under this proposed new regime. I think that was the proposition.

Hon Derrick Tomlinson: It would be even worse if it were forced to go to the people before its shabby deal was completed. We know from Hon Christine Sharp's speech last night that the deal has not been completed.

Hon SIMON O'BRIEN: That would be interesting. The issue that causes me distress -

Hon N.D. Griffiths: I wish you were not so distressed all the time. Relax and be comfortable, like Hon Derrick Tomlinson.

Hon Ken Travers: Have a Bex and a good lie down.

Hon SIMON O'BRIEN: This reliance on drugs by members opposite is to be deplored.

Hon Ken Travers: I will give you a mark for that response; it is your best effort today.

Several members interjected.

The DEPUTY PRESIDENT (Hon Kate Doust): Order! The member has only 12 minutes to complete his contribution. He should be allowed to continue without further interruption.

Hon SIMON O'BRIEN: I am trying to bring my remarks to a close, but these unruly interjections are preventing me from doing so.

Hon E.R.J. Dermer: Dear old diddums!

Hon SIMON O'BRIEN: I thank Hon Ed Dermer not to refer to me as "dear".

The question has been posed: what will happen if this State is required to hold an election using this inadequate, incomplete and possibly nonexistent electoral mechanism that the Labor Government is foisting on us? I do not know the answer to that question. That is not surprising, because I do not think the Government has contemplated that scenario.

My constituents ask me whether there is anything we can do to get rid of this Government. They cannot believe what it is doing. They tell me that this State has never had such a terrible Government and that it is a pity we cannot do something to get rid of it. I take issue with the remark. I tell them not to be ridiculous and that there must have been a Labor Government as bad as this one at some stage during the 112-year history of Western Australia. I contemplate the question, as Hon Derrick Tomlinson has, of how could a Government like this be forced to the polls. I guess the only answer is that if the Government in another place were to lose the confidence of that House. The effluxion of time is not something which is upon us. This Government has a good three years to go. God help us!

Hon N.F. Moore: It has nearly used a quarter of its time.

Hon SIMON O'BRIEN: Yes, and it has done nothing useful. The question of the Government losing the confidence of the lower House is alas a very remote prospect, because Labor members are very soundly caucused. They are not selected for any parliamentary position unless they can show that they can toe the line. The prospect of Labor country members in another place objecting to the way in which their constituents are being treated so shabbily by this Government, and suddenly having the backbone or the guts to stand up and say "enough", is very remote indeed. That is very sad. It shows the sort of leadership we must look forward to during the next three years under this present Government. It makes one wonder what is the next shabby deal it has up its sleeve. I look forward to the committee stage of the Bill if - and very much against my will - unmercifully, the wretched thing actually passes the second reading, which I sincerely hope it will not.

**HON B.K. DONALDSON** (Agricultural) [3.43 pm]: I have had time during the past couple of weeks to reflect on the electoral reform Bills. The subject is a fairly everyday topic in some news items. I look back to when Saddam Hussein went into Kuwait and the Americans and their allies and the Arab world declared war. When talking about the war that was about to happen between Iraq and America and its allies, Saddam Hussein said, "This will be the mother of all wars." Probably what members of the Labor Party have been saying for some time is, "This is the mother of all deals." Mr McGinty has had a smile on his face for some time. I remember Saddam Hussein having the same look. Labor Party members might have said that, but the thought underneath it is that the deal will assist them to get re-elected in Western Australia in 2005.

The second half of that unholy alliance, the Greens (WA), have been thinking that if they manage to get an extra two members in the Legislative Council, it might help them keep their five members. They are not worried about the extra million dollars or so that two or more members will cost the people of Western Australia. They think that they will confuse the people of Western Australia by saying to them that they will give them a Senate-like

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House and equal representation from the country and the city. I do not think that they understand that there are already 17 members from the country and 17 members from the city in this House.

The Greens might need the barbecue flash cards that Westpac has sent to its staff. They have on them a lobster, a couple of chops, a steak and so on. When they are having a barbecue or a dinner and their friends ask why the bank is ripping them off with credit cards fees, sacking thousands of staff across Australia, making them stand in a queue for a teller, and making excessive profits, Westpac has told its staff to produce these barbecue flash cards.

[Continued on page 7103.]

*Sitting suspended from 3.45 to 4.00 pm*